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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1482nd meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 21 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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* No summary records were issued for the 1480th and 1481st meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Germany (CEDAW/C/DEU/7-8; CEDAW/C/DEU/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

2. **Ms. Ferner** (Germany), introducing the State party's combined seventh and eighth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/DEU/7-8), said that recent events had served to highlight the extent to which the global order was in a state of flux, with national interests taking precedence over human rights and fundamental values and putting hard-fought women's rights at risk. Further progress towards gender equality was therefore important to prevent a return to the old ways. Although Germany had yet to attain de facto gender equality, it had achieved significant milestones in recent years. Various national plans of action containing a gender perspective had been adopted, such as the National Action Plan on Business and Human Rights, a national strategy on sustainable development, which formed the basis of the country's implementation of the 2030 Agenda for Sustainable Development, and the second national action plan on the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security.

3. Following the implementation of a number of measures, Germany was now finally in a position to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was likely to occur by mid-2017. In line with the Istanbul Convention, a national toll-free hotline had been introduced in 2013 to offer round-the-clock support in 17 languages, including sign language, to women victims of violence. The hotline had been a particularly important resource for refugee women, migrant women and women with disabilities. Activities to promote the hotline were regularly carried out, and information had also been made available in refugee shelters. Similarly, a national support hotline had been set up to support pregnant women in financial distress.

4. Legislation on sexual offences had also undergone important reforms. The principle of "no means no" had now been laid down in German criminal law, making women's consent the deciding factor, closing gaps in the law to protect women from violence and strengthening their right to make choices and decisions about their sexuality. Following the New Year's Eve sexual assaults in Cologne and other German cities in 2015, sexual harassment had also been made a specific punishable offence. Information campaigns had been launched to raise awareness of the changes to the law, and it was hoped that victims would now have the confidence to report such offences. The recording of police crime statistics had also been changed so that it more accurately reflected relevant disaggregated data, in line with the data-collection requirements of the Istanbul Convention, particularly in cases of domestic violence. The law on human trafficking and forced prostitution had also been amended, while new legislation regulating the prostitution industry and providing better protection for sex workers had been introduced in 2016, making it easier to distinguish between legal and forced prostitution.

5. Female genital mutilation had become a punishable offence in 2013, and the country's first study on that phenomenon had recently been conducted to highlight areas for improvement. The resulting data had shown that some 47,000 women living in Germany were victims of female genital mutilation and that as many as 5,000 girls were at risk. The figures had been increasing as a result of recent waves of migration. In view of the fact that some 240,000 women and girls had sought asylum in Germany in the past year, it was vital

to ensure that their fundamental human rights were respected and that they were protected from violence. With that in mind, an initiative had been launched with several international partners, including the United Nations Children's Fund (UNICEF), with a view to protecting women and children living in refugee shelters. Similarly, there were plans to increase the number of shelters staffed with coordinators responsible for preventing violence to 100 in the coming year. The government-owned KfW development bank had made €200 million in interest-free loans available to provide for more secure accommodation in the shelters. Efforts were also under way to introduce minimum anti-violence standards in refugee centres nationwide.

6. Notwithstanding the progress made in several spheres, gender inequalities still persisted, not least in terms of unequal working hours for women, the gender pay gap, the uneven distribution of responsibilities for unpaid care work and the low numbers of women in positions of leadership. Traditional gender roles were, however, starting to change. Younger generations, in particular, were showing a preference for shared responsibility in terms of work and family life; and, yet, only 14 per cent of young couples had been able to achieve that goal. It was necessary, therefore, to ensure that measures to reconcile work and private life met the needs of both women and men. For that reason, an act providing for parental leave and allowances had been amended in 2015 to offer more incentives and more flexibility regarding parental leave. In the 10 years since parental allowances had been introduced, the proportion of men taking parental leave had increased from 3 per cent to 34 per cent, although men continued to take much shorter leave periods than women. Steps were also being taken to expand the childcare infrastructure, with more than €8 billion in federal funding having been allocated to that end. Moreover, the number of children under 3 years of age in childcare had risen by 100,000 since 2013, and an additional €1.1 billion had been designated to improve the overall quality of childcare and fund even more places. Two new federal programmes aimed to increase the opening hours of childcare facilities, and many states (*Länder*) had introduced, or were in the process of introducing, free childcare places. The situation of single-parent families — predominantly women-headed households — had also been taken into account, with increases in family-related benefits, child benefits and tax-free allowances. A State-funded maintenance allowance, paid in the event of a parent's failure to meet alimony obligations, would also be expanded.

7. Turning to women's employment, she said that the federal government had introduced a range of measures and incentives to ensure equal pay for equal work of equal value. First, a bill on pay transparency, which aimed to bridge the gender pay gap through more transparent pay structures, was currently before the parliament. Under the bill, 14 million employees would have the right to know how their pay compared to that of a comparable group. Companies with more than 500 employees would also be obliged to carry out regular checks to identify whether or not women were being systematically disadvantaged. Second, a bill to reform the social service professions had also been formulated with a view to increasing the pay and raising the profile of such female-dominated occupation as nursing. A third bill was envisaged to guarantee the right of all employees to temporarily reduce their working hours. It was hoped that such legislation would not only enable women to return to full-time work after raising a family — thereby improving their career, income and pension prospects — but would also give more men the opportunity to adopt more flexible working arrangements. Lastly, a 30 per cent gender quota had been introduced in early 2016 with a view to increasing women's representation on company supervisory boards. Interestingly, many of the companies bound by that quota had gone so far as to set their own ambitious, voluntary gender targets for other levels of management. The public sector was also leading by example, and, to date, around 36 per cent of all board members appointed by the federal government had been women.

8. A raft of other legislative measures and reforms were also currently under way. The Maternity Protection Act of 1952 was being amended to improve safeguards for women's

health and safety, uphold women's rights in the areas of employment and education and provide for enhanced maternity leave for women caring for children with disabilities. A requirement for women's representatives in sheltered workshops for people with disabilities had been introduced, as had comprehensive non-discrimination policies for the lesbian, gay, bisexual, transgender and intersex persons (LGBTI). Lastly, a unit focusing on gender identity issues and same-sex lifestyles had been established, for the first time, within the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Articles 1 to 6

9. **Ms. Schulz** said that Germany had set an impressive example in generously opening its doors to more than a million refugees fleeing their homelands, thereby reminding Europeans of their core values. Since the spring of 2016, however, access to Germany and opportunities for obtaining refugee status or subsidiary protection had become more restricted. She wondered whether the Government was willing to reconsider those restrictions, in particular in family reunification cases involving persons granted subsidiary protection, a measure that had now been suspended until March 2018.

10. Regarding the State party's General Equal Treatment Act, she wished to know whether the Government intended to introduce measures to enable women's organizations and trade unions to bring class actions, grant the Federal Anti-Discrimination Agency the right to act in court cases, launch investigations and impose sanctions and extend the extraordinarily short two-month deadline for lodging complaints of discrimination. She would welcome information on how intersectional discrimination was treated under that Act, whether there were plans to amend it in order to incorporate issues relating to unfair dismissal and whether the Government was considering abolishing article 6 of the Act, which provided for differential treatment on the grounds of religion or beliefs. She also asked whether the Government envisaged extending sexual harassment legislation to cover all spheres of life, since it was currently limited to criminal and labour law.

11. The federal system was complex and she wondered whether the use of conferences at the level of its 16 states, with representatives of the federal government attending as observers only, was adequate to ensure full implementation of the Convention and national anti-discrimination legislation throughout the country. Referring to a January 2015 decision of the Federal Constitutional Court, in which a headscarf ban for teaching staff, introduced by one state, had been ruled unconstitutional, she asked whether that decision was binding on all states. If not, how would the Government ensure that no other states were able to introduce such a law?

12. Turning to the extraterritorial application of the Convention, she said she was concerned that Germany was exporting arms to countries whose human rights records were abysmal. While certain control measures were in place with the aim of preventing German weapons from being used to commit human rights abuses, she wondered whether there were plans to introduce stricter measures, increase transparency and enable export decisions to be scrutinized by the parliament and the public. She noted with concern that, while the State party had adopted a National Action Plan on Business and Human Rights to implement the United Nations Guiding Principles on Business and Human Rights (Ruggie Principles), that Plan did not incorporate a gender perspective or provide for the protection of vulnerable groups. She wondered whether relying on the goodwill of companies to take voluntary measures was really enough to prevent human rights violations from being committed abroad by German firms and their subsidiaries and whether stronger measures were envisaged to ensure that victims of serious human rights violations committed abroad, such as the forced land evictions associated with the Kaweri Coffee Plantation in Uganda, received adequate redress. Lastly, was the Government willing to become more proactive in

supporting the adoption of a binding treaty on business activities and human rights responsibilities in third countries?

13. **Ms. Ferner** (Germany) said that the influx of refugees had not been without controversy in Germany, and it was the sheer number of refugees that had prompted the Government to take the decision to suspend family reunification provisions until 2018. In the meantime, discussions were under way with respect to which refugees were entitled to subsidiary protection or residence permits.

14. A report evaluating the mandate of the Federal Anti-Discrimination Agency had recently been submitted and was currently being discussed by the federal government. Thus, no response could yet be provided on whether its mandate or powers were to be altered or extended. A decision was likely to be taken before the parliamentary elections in September 2017. As to the provision allowing for differential treatment on the basis of religion, it was hoped that the outcome of a related case currently before the European Court of Human Rights would provide some guidance on whether or how that law might be changed.

15. In the light of the fact that sexual harassment was now an offence punishable under the Criminal Code, the relevant provisions covered all areas of life, not just employment. The amendments to the law had made it clear that sexual harassment was not a minor offence; it was punishable under criminal law and was to be applied equally, whether in the workplace, on public transport or in bars and nightclubs.

16. As to the implementation of the Convention, while it was no easy matter to ensure that it was consistently implemented nationwide, Germany took the fairly unusual approach of incorporating international treaties to which it was a party into domestic law before ratifying them, which was why it took longer to ratify international treaties in Germany than it did in other countries. The federal government and the states worked together to identify and enact any legislative amendments required for the comprehensive implementation of a convention, and only once that had been completed was a convention ratified.

17. Regarding the headscarf ban, while there was a common administrative law, the ultimate responsibility lay with the employer. Thus, in the case of public servants like teachers, such decisions rested with the states. The introduction of a federal law would not, therefore, necessarily have any effect in any event.

18. The National Action Plan on Business and Human Rights was, to all intents and purposes, a business code of conduct. While civil society was clearly in favour of taking a stricter approach, the Action Plan had paved the way for dialogue with industry and had heralded the introduction of fair trade labelling, among other initiatives, which certified that products were produced in fair, sustainable and exploitation-free conditions.

19. **Ms. Pamuk** (Germany) said that arms export applications were considered on a case-by-case basis and a risk evaluation was conducted as a matter of course. Gender-based violence and human rights violations were some of the factors taken into consideration, in line with the Council of the European Union Common Position defining common rules governing the control of exports of military technology and equipment and the United Nations Arms Trade Treaty. The Government was of the view that that approach was comprehensive and target-orientated and that the necessary issues were sufficiently taken into account. Germany was only the eleventh country to have submitted a National Action Plan on Business and Human Rights. A gender approach underlay the principles of that Plan, which advocated for the equal participation of women and men at all levels and in all fields. Germany favoured a broad consensus approach containing clear progress indicators and thus liaised with industry and civil society with a view to improving human rights, in particular women's rights. It had, however, made it clear that, if the desired targets were not met by the business sector, it would consider introducing binding measures.

20. **Ms. Schulz** said that, regarding sexual harassment, she had wished to hear more about any civil law rather than criminal law provisions. Did the State party have any civil legislation regarding sexual harassment in schools and hospitals, for example?

21. Regarding arms exports, she asked whether other human rights violations besides gender-based violence also formed part of the eligibility criteria. Since weapons were invariably used in and led to conflicts, which had a negative effect on basic services such as health and education, did that also play a part in assessing whether to authorize exports?

22. She would welcome more information on the specific indicators and targets that had been set under the National Action Plan on Business and Human Rights. Could the delegation describe a scenario in which the Government would consider that such targets had not been met, thus requiring the introduction of binding legislation? Goodwill and consensus were all well and good, but it was only through the introduction of specific legislation that persons would be fully able to exercise their rights. She hoped that a system would also be established to compensate victims of human rights abuses abroad for any losses incurred because of German business practices. As things currently stood, how were victims able to assert their rights?

23. **Ms. Ameline** said that the German Chancellor's bravery in granting international protection to so many refugees had been commendable and it was regrettable that a more coordinated approach by the European Union had yet to be found. She asked whether an impact assessment had been conducted in respect of a law aimed at helping refugees integrate into German society and what measures were in place to help women refugees to find employment, in particular in professions related to new technologies.

24. **Ms. Ferner** (Germany) said that, in addition to criminal law provisions on sexual harassment, civil law regulations and disciplinary measures were also in place in the public employment sphere: teachers and health workers could therefore face disciplinary measures for sexual harassment. Thus, a range of mechanisms was available. As to the National Action Plan on Business and Human Rights, while it was true that industry goodwill was not always enough, businesses were very much aware of the damage that could be caused to their brands if dangerous practices or poor working conditions ever came to light. Moreover, industry players were mindful that the Government was prepared to introduce binding legislation if necessary; that fact, in and of itself, seemed to have been quite effective. The Government would continue to evaluate the Plan and, if required, would amend it or introduce stricter regulations. In that connection, victims of human rights violations abroad could seek redress from the company involved.

25. The law on refugee integration was a milestone in Germany. Efforts had been made to ensure that refugee women with children in particular were able to attend language courses by childcare services available or other arrangements. Civil society organizations, like DaMigra, a national umbrella organization for migrant women throughout Europe, also provided a range of integration measures, which were often funded at the federal or state level. By way of example, a mentorship programme had been set up to enable migrant women to set up their own businesses with guidance from women mentors, who helped them to navigate legal and administrative complexities. Opportunities were also available to help migrant women to find or return to work, including those who had lived in Germany for many years. Overall, there was a concerted effort to rectify the mistakes of previous years, when policy had focused almost entirely on men migrants: there was a real belief now that women were the key to integration.

26. **Ms. Pamuk** (Germany), responding to a question raised by Ms. Schulz, said that protecting and respecting human rights was a key aspect of German policy with regard to German countries operating abroad. Thorough risk evaluations were conducted for each

arms export application, and, if it was found that there was a risk of any form of human rights violation whatsoever, then the application would be denied.

27. **Ms. Schulz** asked whether the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provided long-term, structural financing or project-related funding to the DaMigra migrant organization. In the Committee's experience, good initiatives such as that one were often vulnerable owing to a lack of sufficient long-term funding.

28. **Ms. Ferner** (Germany) said that for the period 2016-2019 DaMigra had been allocated €660,000 in funding for a specific project. That was, admittedly, one of the deficiencies in the provision of federal funding: it could only be used to finance pilot projects. However, in her experience, once such a project had been tried and tested and had shown itself worthy of continued investment, further funding for other follow-up projects was always found. Discussions were currently being held on ways to find more stable sources of funding for civil society.

29. **Ms. Haidar** said in view of the fact that a great many government ministries had gender equality mandates, she wished to know how coordination with and between those agencies was ensured both at federal and state levels. The Federal Anti-Discrimination Agency also had a gender equality mandate, but there were concerns regarding the fact that it had no powers to support individuals in court or to impose fines. She also wished to echo the concerns raised by Ms. Schulz in relation to ensuring consistent implementation of the Convention at the states and federal levels.

30. During the previous dialogue and in the replies to the list of issues (CEDAW/C/DEU/Q/7-8/Add.1), it had been stated that gender budgeting at the federal level was not considered to be suitable or possible. The Committee had, however, become aware of a report to the contrary, and reports even suggested that some states were in fact implementing gender budgeting. With that in mind, she wondered whether the Government intended to revisit the issue at the national level, including with regard to technical cooperation. In that connection, since gender mainstreaming was key to the achievement of the Sustainable Development Goals, she wondered whether it was being systematically implemented. Lastly, she asked whether there were plans for the German Institute for Human Rights to formally oversee the implementation of all human rights treaties ratified by Germany, whether its budget was sufficient for its activities in relation to gender equality and non-discrimination and how it coordinated with other human rights mechanisms at the state level, in particular with regard to gender equality issues.

31. **Ms. Nadaraia** said that she wished to know whether any temporary special measures had been introduced to target fields in which women were particularly underrepresented or disadvantaged and improve the situation of vulnerable groups of women who faced multiple forms of discrimination. She also wondered whether there were plans to extend the use of temporary special measures to other disadvantaged groups, such as asylum seekers and refugees.

32. **Ms. Ferner** (Germany) said that, in addition to the comprehensive package of initiatives for refugees, several special measures had been introduced. By way of example, so-called language nurseries had been set up for children from migrant backgrounds in order to enable them to learn German. In general, however, targeted measures were decided at the local rather than the federal level in order to better meet the needs of the people living in that area.

33. Although the Federal Anti-Discrimination Agency did not currently have a mandate to bring class action in court, provision had been made under the General Equal Treatment Act to enable the Agency to provide parties to such lawsuits with legal aid if required.

34. It was true that a gender-budgeting study had been undertaken; however, while Berlin had introduced gender budgeting and believed it to have been successful, the Federal Ministry of Finance did not consider gender budgeting to be a suitable approach. Thus, there was no agreement in the current federal government to implement such budgeting at the national level. Gender mainstreaming, on the other hand, was an integral part of German policies and efforts were made to ensure that the sustainability strategy, for example, contained a gender dimension.

35. **Ms. Wittenberg** (Germany) said that, in 2010, the Standing Conference of Ministers of Education and Cultural Affairs had made recommendations regarding sexual harassment in schools which included implementing prevention measures and sex education, building relationships between schools and external partners, providing awareness-raising about the issue to teachers as part of their training, reporting incidents to school management and drafting a code of conduct.

36. **Ms. Ferner** (Germany) said that the country's temporary special measures included quotas for women's representation on supervisory boards, which was regularly evaluated, the Equal Pay Day campaign and measures to encourage the promotion of women to senior positions in the medical and academic sectors.

37. **Mr. Beer** (Germany) said that changes to the mandate of the German Institute for Human Rights would require a legislative amendment, which was not feasible before the next elections. There was a great deal of cooperation between the Institute and the states, particularly in the area of research. The Institute's first annual report would soon be published on its website.

38. **Ms. Haidar** asked whether the post of equal opportunities officer at agencies with at least 100 employees was full-time and whether consideration had been given to opening the position up to men. Given that ultimate accountability for the implementation of the Convention lay with the federal government, she asked how the Government ensured its consistent implementation across the states.

39. **Ms. Nadaraia** asked what temporary special measures existed for transgender, intersex and gay persons, asylum seekers, refugees and stateless women.

40. **Ms. Ferner** (Germany) said that equal opportunities officers in large organizations could carry out their role on a full-time basis if necessary or they could share their responsibilities with a deputy. The position was not open to men, because officers dealt mainly with discrimination against women, and only female employees could vote to elect them. Nevertheless, officers supported men who wished to improve the balance between their family and work lives. The federal government worked with the states in a number of ways, including through conferences of state ministers and working groups, where difficulties in implementing international instruments could be discussed. However, the states were expected to adapt their legislation prior to the ratification of an instrument.

41. Issues affecting intersex, transgender and gay persons were addressed by a branch of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which, for example, had held consultations on changes to the Civil Status Act. Staff members at some reception centres were trained in the needs of transgender and intersex refugees and asylum seekers, and civil society was actively involved in supporting those communities and received funding from the federal government, for example through the "Living Democracy" programme, which combated racism, xenophobia, homophobia and transphobia. There was a range of pilot projects that assisted women refugees in launching their own businesses as a means of joining the workforce.

42. **Ms. Acar** asked whether the State party planned to withdraw its reservations to article 59 (2) and (3) of the Istanbul Convention regarding refugees and asylum seekers

who were victims of violence against women and how the judiciary, police officers, investigating officials, social workers and health professionals were trained on the Istanbul Convention and amendments to the Criminal Code.

43. She wished to know when shelters would be accessible to all women facing violence, including migrant and refugee women and women with precarious residence status, for whom the protection offered by shelters was insufficient, how the long-standing confusion regarding the division of funding for shelters between the states and the federal government would be resolved and when the additional measures to respond to the needs of refugees and asylum seekers who suffered violence against women, such as the coordinators tasked with preventing violence in shelters, would be in place. Lastly, she asked whether the Government planned to amend legislation that allowed minors aged 16 and 17 to marry with their parents' consent given the State party's pledge to combat early and forced marriage.

44. **Ms. Halperin-Kaddari** said that the practice of performing surgery on intersex infants to bring their physical appearance into line with binary gender stereotypes could not be medically justified. Despite the State party's recognition of that fact, there had been no reduction in the number of such operations undertaken each year in Germany. Noting that the German Ethics Council had recommended that the practice should only be carried out on persons unable to give their consent if it was in their best interests, she asked who decided what was in a child's best interests and whether the State party would adopt the principle that only medically necessary, lifesaving procedures should be carried out and introduce independent legal experts to represent minors in matters that brought them into conflict with their parents or the authorities. She wished to know why the State party believed that the establishment of a compensation fund for intersex victims of unnecessary medical interventions required careful consideration.

45. **Ms. Jahan** asked whether the State party planned to adopt a comprehensive anti-trafficking strategy that adopted a gender perspective and considered the phenomenon not only in terms of criminal law but also as a direct consequence of problems such as poverty, migration and violence against women. She would be particularly interested in hearing about how potential victims were identified among refugees and asylum seekers. She asked whether European Union directive 2011/36/EU on trafficking would be entirely transposed into German legislation and whether an independent national rapporteur on trafficking had been appointed in accordance with that directive.

46. Although the State party had made commendable efforts to prosecute and convict sex traffickers, some shortcomings remained, including the use of short and suspended prison sentences and low numbers of investigations, perhaps owing to the complexity of the relevant section of the Criminal Code. She wondered whether the recent revision of that section had resulted in the amendment of its provisions on trafficking for sexual exploitation and would appreciate information on the measures adopted to ensure that all traffickers were punished with sentences commensurate with the gravity of their crimes. She would welcome details of the capacity-building and training on trafficking given to investigating officials and prosecutors and how assistance for victims was coordinated across the country. She wished to know whether the amendments to the law on residency requirements allowed victims of trafficking to obtain long-term residence permits, regardless of their willingness to testify in court.

47. She asked what monitoring mechanisms were in place to ensure that the necessary punitive measures were implemented under the Prostitution Act and whether the pilot project to assist women who wished to leave prostitution had been evaluated and extended nationwide. Lastly, she asked whether measures would be introduced to reduce demand for prostitution under the law on human trafficking mentioned in paragraph 49 of the State party's replies to the list of issues (CEDAW/C/DEU/Q/7-8/Add.1).

48. **Ms. Ferner** (Germany) said that all of the provisions of the Istanbul Convention had been incorporated into domestic legislation. Training on that Convention for case workers within the Federal Office for Migration and Refugees covered gender-based and sexual violence to enable them to identify victims. Judges were independent, and, while the German Judicial Academy offered ongoing training, they were not obliged to participate in it. Training was also offered to social workers and health-care professionals, allowing them to offer counselling to female victims of violence.

49. Funding for women's shelters was the responsibility of the states, which each took a different approach, with some shelters being funded by the authorities, some by users and some by a combination of the two. Although debates had been held on the harmonization of those funding mechanisms, the federal government was unable to impose decisions on the states. Access to women's shelters was guaranteed, and refugees were permitted to breach the terms of their residency permit by leaving their designated area of residence if no shelters were available there. Shelter operators were required to implement their own schemes to protect refugees from violence. Although the states did not provide support in that regard, the federal government was extending the training that it offered to shelter staff. Nevertheless, many refugees had moved out of shelters and into individual accommodation, making it more difficult to protect those who were victims of violence against women.

50. Minors aged 16 and 17 years must seek the permission of their parents and a family court if they wished to marry. Although the Government agreed in principle that only persons aged 18 or over should be able to marry, amendments to the law would cast uncertainty on the status of the marriages of those aged under 18 who married abroad.

51. The Government had issued guidelines on unnecessary irreversible medical procedures, which should not be carried out on minors who were unable to give their consent. Therefore, intersex children could be subjected to irreversible medical interventions only if their health was at risk. Violations of those guidelines were considered an offence. Efforts were being made to improve counselling for parents facing such situations, and the Government was debating whether to establish a compensation fund for victims.

52. Germany had implemented the European Union directive on trafficking, which provided for penalties against the clients of sex workers. Furthermore, clients could be prosecuted for failing to notify the police if they suspected that a sex worker had been forced into prostitution. Under the amended Residence Act, female victims of trafficking were required to participate in legal proceedings in order to identify the perpetrators if they wished to obtain residence.

53. A new law was due to enter into force that would clarify the grey area created by the fact that prostitution was legal but brothels were not. Under the new law, brothels would be required to obtain a licence and meet standards for working conditions and to inform the authorities about who was working for them. Regular inspections would be undertaken to ensure that standards continued to be upheld. Sex workers were also required to register with the authorities; in return, they received advice and information on their rights, on leaving prostitution and on available services for victims of crime funded by the states.

54. **Ms. Acar** said that the State party's reservations to the provisions of the Istanbul Convention were particularly pertinent, because they related to the suspension of refugees' expulsion if they were victims of gender-based violence and to the renewal of residence permits; as things stood, some female refugees were forced to remain with violent partners for a number of years so that they could obtain the right to residency. She was still hoping to have a response to her question about when those reservations might be withdrawn and asked whether they were currently under discussion.

55. **Ms. Jahan** said that according to information received by the Committee, only victims of physical violence were eligible for compensation, and she wished to know what provisions were made for victims of non-physical violence.

56. **Ms. Halperin-Kaddari** asked when the guidelines on treatment for intersex children had been introduced and what were the prospects for establishing a compensation fund for intersex persons who had been subjected to unnecessary medical procedures.

57. **Ms. Schulz** asked whether the new law on brothels enabled prostitutes to work in groups or whether it was aimed at larger enterprises. As she understood it, there were no obstacles to including a ban on subjecting intersex persons to unnecessary medical procedures in the country's Criminal Code. She would welcome more information on the "Living Democracy" programme.

58. **Ms. Ferner** (Germany) said that, although Germany was not currently in a position to withdraw its reservations to the Istanbul Convention, it was working to resolve the issues raised by Ms. Acar, for example by granting the right to residency more quickly than the time frame provided for by the Residence Act in certain cases. The purchase of sex had not been prohibited because similar bans in other countries had merely pushed the industry underground. Germany had instead endeavoured to introduce clear rules in order to better distinguish legal prostitution from forced prostitution and thus increase prosecutions of the latter.

59. Doctors who failed to apply the guidelines that advised against unnecessary medical procedures for intersex children could be prosecuted for bodily harm, although more regulation of the matter was needed. Funding for the Living Democracy programme, which aimed to eradicate racism, xenophobia, homophobia and transphobia from German society, had been increased. The programme had been extended to the states and now provided long-term funding for a range of projects. Hatred towards women was one of the many areas targeted by the programme.

60. **Mr. Wirth** (Germany) said that compensation was granted in cases of assault that caused damage to the victim's health, including mental health, and was not limited to cases of physical violence.

61. **Ms. Blomeyer** (Germany) said that the guidelines on surgical interventions and intersex children, in combination with provisions of the Criminal and Civil Codes, amounted to a ban on unnecessary surgical procedures. The issue had also been examined by an interministerial working group that had made the same recommendations as those found in the guidelines, and a report produced by a legal expert had found that the compensation claims of transgender and intersex persons were often barred by the statute of limitations, which was a problem that still had to be grappled with.

62. **Ms. Henneberger** (Germany) said that the European Union anti-trafficking directive had been transposed into domestic law. Although the Government had not appointed a national rapporteur responsible for the implementation of anti-trafficking policies, as called for under the directive, it considered that it had established an equivalent mechanism under the Federal Criminal Police Office, which produced annual reports on trafficking in persons (*Bundeslagebild Menschenhandel* reports). Nevertheless, the Government was continuing its consultations with the relevant stakeholders, including with the German Institute for Human Rights, in order to determine whether a national rapporteur should be appointed.

63. **Ms. Ferner** (Germany) said that the new law on the protection of sex workers covered not only large brothels but also prostitutes who wished to form into groups provided that they fulfilled the relevant licensing requirements. Individual prostitutes working from their private residences were required to register with the authorities.

64. **Ms. Schulz** asked why there had been no reduction in the number of unnecessary medical procedures carried out on intersex persons if legal provisions existed to prohibit them.

65. **Ms. Ferner** (Germany) said that the guidelines had been introduced only a few months previously, and the results would be reflected in the statistics released at the end of 2017. If the guidelines failed to produce the desired effect, the Government would work with medical associations to address the issue.

Articles 7 to 9

66. **Ms. Nadaraia** said that although women's increased participation in political life and the voluntary gender quotas introduced by several political parties were commendable, there was still room for improvement in the executive branch and the states. She asked whether the State party would consider legislating on parity in parliamentary elections and for all positions in the federal administration and in the states, and, if so, what time-frame would be applied. Women's representation on boards of directors and supervisory boards of companies also remained low, and she wished to know how the State party planned to ensure that women enjoyed equal opportunities in terms of promotions.

67. The Committee had been informed that the Federal Act on Gender Equality was ineffective and that more than 30 per cent of federal bodies lacked updated gender equality plans with specific, measurable targets. There was also a reported lack of penalties imposed and action taken by equal opportunity officers. She asked whether the draft law on the equal participation of women and men in leadership positions in the private and the public sector had come into force.

68. It had also been reported that female judges and public prosecutors had limited career prospects, particularly when working part-time. She asked what measures were in place to ensure that women had equal access to public office and to promote their participation in diplomacy and international organizations.

69. **Ms. Schulz** asked when the parliament would be taking up the bill that would allow children born in Germany to migrants from non-European Union countries to maintain dual citizenship rather than having to choose between the two nationalities before the age of 23 and whether there was a risk that it would be thrown out or adopted with restrictive conditions.

70. While she welcomed the fact that transgender persons could request a change to their civil status without undergoing physical treatment, she noted that the process could be lengthy and complex. She asked whether the Government intended to bring the relevant legislation into line with international human rights standards, the Constitution and medical science and whether it was true that some transgender individuals were required to pay up to €8,000 to amend their identity documents. If true, would that amount be reduced?

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1483

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
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English only

Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1483rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 21 February 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Germany (*continued*)

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Germany (*continued*)
(CEDAW/C/DEU/7-8; CEDAW/C/DEU/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Ferner** (Germany) said that, currently, 37 per cent of members of Parliament were women, up from 34 per cent at the beginning of the electoral term. There were no quotas established by law, but all political parties had binding quotas. Quota levels differed among them, however. In her party, the proportion of women had been 40 per cent at the beginning of the electoral term. Eight government ministries were currently headed by women. Under the Federal Act on Gender Equality, all ministries must have a gender equality plan. The plans had to be made available to all staff within six months of their formulation. A gender equality index allowed for continuous monitoring of progress at all staffing levels. In her ministry, the Federal Ministry of Family Affairs, Senior Citizens and Youth, women made up more than 50 per cent of staff at all levels. Other ministries had made less headway towards gender parity.

3. At the municipal level, only 24 per cent of representatives were women, and the proportion of female mayors was even lower. A nationwide network of female municipal politicians provided coaching and mentoring programmes, wherein more experienced women offered advice and support to women with less experience. Some consideration had been given to instituting a parity law at the municipal level, but discussions on the matter were just getting started.

4. The new Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector had three pillars. The first applied to about 100 large companies that practised "co-determination", meaning that the membership of their supervisory boards was split between representatives of staff and management. Under the law, such companies were required to ensure that, by the end of 2020, at least 30 per cent of both staff and management representatives were women. A policy was in place to prevent shareholders from electing only men to fill the management seats on the board. Thus far, the law seemed to be working as intended, as all boards appointed since it had entered into force had met the quota for women members. In companies with federal government involvement, the Government had set a 50 per cent quota for the seats it was entitled to fill. Listed companies or companies that had co-determined supervisory boards could also set their own voluntary goals for the percentage of women on their supervisory and management boards. In companies where there was a fixed quota, such goals tended to be more ambitious. An assessment would be conducted after the 2020 deadline to determine whether further legislative measures were needed to ensure the representation of women on company boards.

5. With regard to women in the judiciary, thanks to the "Women into Red Robes" initiative (red being the colour of the robes worn by the highest-level federal judges), women now made up 40 to 50 per cent of newly appointed judges. Women also comprised 40 to 50 per cent of the staff of the diplomatic service. The current Permanent Representative of Germany to the United Nations and other international organizations in Geneva was a woman; she was the first woman to hold the post. The number of women in high-level diplomatic posts was expected to rise as more young women entered the diplomatic service.

6. **Ms. Pamuk** (Germany) said that the Government placed special emphasis on ensuring gender equality when selecting its diplomatic representatives, especially to the United Nations. Its goal was to increase the proportion of women at all levels, including leadership levels. In the Federal Foreign Office overall, 48 per cent of the staff were women. In high-level positions, 31 per cent were women. Among new recruits to the diplomatic

service, 40 to 50 per cent were women. The number of female ambassadors had increased from 21 to 34. With regard to German staff employed by international organizations, out of 529 at the United Nations, 286 (54 per cent) were women; 48 per cent of the German nationals employed by the United Nations Environment Programme were women, while 39 per cent of those employed by the Organization for Economic Cooperation and Development were women. As to German women in leadership positions in international organizations, notable examples were Helga Schmid, Secretary General of the European Union External Action Service, and Ursula Mueller, recently appointed as Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator in the Office for the Coordination of Humanitarian Affairs. The Government promoted international organization careers for young women through the Junior Professional Officers programme. The proportion of women participating in the programme had risen from around 50 per cent to 66 per cent in 2016.

7. **Ms. Ferner** (Germany) said that the law on dual citizenship had been amended. Whereas, before, persons born in Germany who also had another nationality were obliged to choose one or the other when they were between 18 and 24 years of age, now they could keep both nationalities. With regard to compensation for victims of non-physical violence, unfortunately, she could not respond in the affirmative. The Government had hoped to amend the Victims Compensation Act, but she doubted that it would succeed before the end of the current electoral term.

8. **Ms. Blomeyer** (Germany) said that three expert opinions had been commissioned. One was an evaluation of the statistics on intersex persons and another an evaluation by Humboldt University of the procedure for changing name and gender under the Transsexual Act. The latter expert opinion had recommended that the requirement for transgender persons to obtain expert reports should be abolished and the procedure for legally changing gender status simplified. It was true that obtaining the reports required for a change of name or recording of a change of sex could cost as much as €8,000; legal aid was sometimes available to help cover that expense. The third expert opinion, which concerned gender equality in the law, had examined various transgender issues. The study had been published the previous week and would be discussed by the Interministerial Working Group on Intersexuality/Transsexuality, which would then make recommendations.

9. **Ms. Schulz** said that she hoped that due account would be taken of the expert opinions in future legislation.

Articles 10 to 14

10. **Ms. Halperin-Kaddari** said that, while half of doctoral dissertations in Germany were written by women, only one in three women went on to obtain their qualification to teach in higher education (*Habilitation*) and only one in five professorships was held by a woman. Was the State party considering the introduction of any measures to encourage women to pursue academic careers, such as post-doctoral fellowships to enable them to obtain their teaching credential? Women were also underrepresented in the science, technology, engineering and mathematics fields. She wondered whether the State party was considering special temporary measures or other initiatives to increase women's participation in those areas. She would also like to know whether there had been any assessment of the impact of the training tool launched in 2012 to help eradicate stereotypes based on gender, culture and religion in school textbooks and whether the State party had conducted any reviews to ensure that all textbooks and teaching materials used gender-sensitive language and images. The Committee had been informed that lesbian, gay, bisexual, transgender and intersex children often experienced difficulties resulting from stereotyping and stigmatization, not just in relation to their peers but also their teachers. Were there special programmes to sensitize teachers to the reality of such children? Lastly, she wished to know what measures were in place to ensure that all children of asylum seekers and refugees had access to German language courses.

11. **Mr. Bergby**, noting that there continued to be a wage gap of 21 per cent between women and men, said that the Committee welcomed the bill on wage transparency. However, as the law would apply only to businesses with 200 or more employees, it would not benefit most women, who tended to work in smaller firms. He wondered why a

threshold of 200 employees had been chosen and would like to hear the delegation's views on whether the measures envisaged in the law would be sufficient to ensure salary equality for women. He also wished to know what control mechanisms would be put in place under the law and whether an evaluation of its impact was planned. If so, when would it be carried out? The gap in old-age pensions was even larger than the wage gap, owing in part to differences in the types of jobs performed by men and women and to the fact that women often worked fewer hours than men, a phenomenon that reflected men's limited participation in care activities. He wondered whether there should be an adaptation in the financial system for old-age pensions in order to eliminate the gender gap.

12. Germany had taken on great responsibility by receiving a large number of refugees and asylum seekers and was consequently faced with many challenges, one of which was integrating those who would settle permanently in Germany into the workforce. He would like to know what measures the State party intended to take in order to avoid the potential risk that male refugees would be placed in jobs that were currently held mainly by women, which could make it more difficult for women to find work or move from part-time to full-time employment.

13. **Ms. Nwankwo**, stressing the importance of access to contraceptives in reducing unwanted pregnancies, said that the Committee had received information indicating that health insurance typically covered contraception only if it was medically prescribed and if the woman was under 20 years of age. Otherwise, the cost, which could amount to €300 per year, was borne by women themselves. She understood that the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth was supporting a three-year model project to give low-income women access to contraception and that the Municipality of Munich had a similar initiative. She wished to know how many women, including refugees and asylum seekers, were covered by the model project, whether there were plans to extend it and expand its coverage and whether any other municipalities had followed the example of Munich.

14. According to her information, in order to avoid criminal prosecution, women were required to undergo counselling and then wait three days before having an abortion, and the cost of the procedure was covered by insurance only if the pregnancy was the result of rape or if a doctor had determined that it could endanger the woman's life or her physical or mental health. She would welcome information on any plans to cover abortion services under the health insurance system and to eliminate the three-day waiting period and the requirement for counselling, which the World Health Organization considered medically unnecessary and which the Committee deemed discriminatory. Lastly, she noted that undocumented migrants in Germany had difficulty in obtaining health insurance, which limited migrant women's ability to receive reproductive health services. Moreover, they risked detention and deportation if they sought non-emergency care at public health-care facilities. Did the State party intend to amend section 8 of the Residence Act in order to ensure that undocumented migrant women who sought health care were not reported to immigration authorities? What plans were in place to ensure that migrant women and asylum seekers had access to affordable and high-quality health-care services?

15. **Ms. Ferner** (Germany) said that, prior to the adoption of the Integration Act, language courses had been available only to recognized asylum seekers. Now anyone with good prospects of being allowed to remain in Germany had access to integration courses, which included language instruction and vocational training. Refugees' qualifications were evaluated and they were assisted in obtaining equivalent qualifications in Germany. The federal government tried to ensure that all children could attend school, regardless of their immigration status, but its scope of action was limited, as education was the responsibility of the states (*Länder*). Some states had special welcome classes that provided language instruction before a child was enrolled in regular classes, while others integrated children into regular classes straight away and offered after-school language instruction.

16. The Government recognized that the gender pay gap was still far too large. There were many reasons for the disparity and therefore it could not be remedied with a single measure. The introduction of the minimum wage had reduced the gap by 1 per cent and further reductions were expected after the wage transparency law entered into force. However, many women worked in places where working conditions were governed by a

collective agreement that established a wage lower than the minimum wage. In addition, many women worked part-time, which reduced both their wages and their ability to pursue career development opportunities and rise to positions of leadership. The new law on wage transparency was one step among many being taken to ameliorate the situation. It would require employers to pay women the same amount as men doing comparable jobs and would hold them accountable if they failed to do so. The threshold of 200 employees had been agreed as part of a political compromise reached in the face of stiff resistance to the wage transparency bill. However, the Government intended to undertake studies of the situation in companies with fewer than 200 employees as a basis for further action to narrow the wage gap.

17. Pensions were based on earnings over the entirety of a career. Measures were in place to offset women's loss of earnings and ensure that they did not suffer a corresponding loss of pension benefits as a result of dropping out of the workforce or reducing their hours of employment in order to care for their children. Other measures, such as a solidarity pension or a supplementary pension for low-income pensioners who had worked their entire lives known as a "life-achievement" pension were under discussion, but it was unlikely that any agreement would be reached on them during the current electoral term. The issue would, however, remain on the political agenda.

18. Health insurance paid for contraception for women up to 21 years of age. After that, women had to pay for contraceptives themselves, although there were programmes that enabled low-income women to obtain them for free. The state of Berlin, for example, had such a programme. In her view, Germany had one of the best abortion laws in Europe. While women were required to undergo counselling, the decision as to whether or not to proceed with the abortion was left entirely to them. Low-income women could obtain reimbursement for the cost of an abortion.

19. **Ms. Wittenberg** (Germany) said that the states had taken a number of measures to encourage more girls to study mathematics, information science, natural sciences and technology, including special academies and summer camps, information fairs and career counselling. With regard to measures to promote acceptance of gender and sexual diversity, guidelines for gender education had been adopted in 2016 with a view to eliminating gender stereotypes from academic curricula, textbooks and teaching materials and ensuring that training and continuing education for teachers incorporated a gender dimension. All states had reviewed their curricula in the past few years.

20. **Ms. Heinze** (Germany) said that the impact of the wage transparency law would be evaluated every four years. Labour, management and government would take part in the evaluations.

21. **Ms. Haidar** asked whether any measures were envisaged to address the injustice suffered by divorced women from the former East Germany with respect to pension benefits.

22. **Ms. Ameline** said that some German policies, especially the tax policy, did not seem to favour employment and salary equality between men and women or financial autonomy for women. In her view, a more comprehensive approach to the issue was needed.

23. **Ms. Nwankwo** said that she would appreciate a reply to her questions concerning access to health care for undocumented migrant women and the model project to provide contraceptives to low-income women. She would also like to know what measures the State party intended to take to ensure that sterilization was never performed without the consent of the person concerned and what compensation was available to victims of involuntary sterilization. In addition, she wondered whether the morning-after pill was available without a medical prescription.

24. **Mr. Bergby** said that he would appreciate information on the numbers of women who would and would not be covered by the wage transparency law. He would also like to know if any measures were envisaged to address the potential risk that male immigrants might displace women from the workforce. He had noted the delegation's explanation as to why men could not serve as equal opportunity officers, namely that the officers dealt mainly with discrimination against women and only female employees could vote to elect

them. In his view, restricting the position to women sent the wrong signal. Fighting discrimination against women was not a task for women alone; men also had a responsibility.

25. **Ms. Schulz** asked whether any consideration was being given to providing insurance coverage for abortions in all cases and to reviewing the mandatory counselling requirement and the three-day waiting period. She also wished to know whether the State party intended to revise the General Equal Treatment Act in order to include dismissals within its scope, whether any legislation on recognition of the professional qualifications of migrant workers had been adopted and, if so, whether its effect had been positive. Lastly, she welcomed the State party's intention to enact a law intended to guarantee equal pay for work of equal value, but she was curious as to how equal value would be measured. She understood that German courts had upheld some collective agreements that established discriminatory job classification systems. Would the new wage transparency law provide for a standard classification system that was compulsory for all employers?

26. **Ms. Ferner** (Germany) said that the morning-after pill was available without a prescription. The cost of abortion was covered only for low-income women. Others were required to pay for abortions themselves. That provision was the outcome of a hard-won political compromise, and she was not aware of any plans to change it. Asylum seekers and refugees were entitled to basic health-care services under the Asylum Seekers Benefits Act. All women who were pregnant or severely ill had access to medical care, regardless of their immigration status. Access to other health services, such as dental care, was more limited.

27. The Government had not been able to reach any decision about changing current tax policy, although the matter had been discussed. The persistence of the single-breadwinner model, however, was related not only to policies but also to societal ideas. In particular, women in Germany still tended to see themselves as bad mothers if they worked full time and sent their children to a day-care centre. It was true that collective bargaining agreements did sometimes contain discriminatory provisions. However, collective bargaining was a cherished right in Germany and the federal Government would not interfere with the exercise of that right. The wage transparency law would apply to 14 million workers in companies with 200 or more employees; approximately 6 to 6.5 million of that number were women.

28. **Ms. Icken** (Germany) said that, in addition to Munich, Mecklenburg-Western Pomerania and Berlin had initiatives to facilitate access to contraceptives. The model project had been under way for six months. No target had been set for the numbers of women to be covered. Generally speaking, the results of model projects funded by the federal government were used to amend or revise legislation.

29. **Ms. Hentschel** (Germany) said that the efforts were being made at the state level to promote careers for women in higher education institutions. In the state of Berlin, a special programme for that purpose had existed since 2002. In addition, a government-sponsored funding scheme encouraged universities to set targets for the hiring of women. If they met those targets they received additional funding. As a result, the proportion of professorships held by women had more than doubled, rising from 13.5 to 32 per cent.

30. **Ms. Schulz** said that, while there had been an impressive increase in childcare facilities in the State party, insufficient availability of full-day care and schooling, coupled with disincentives in the tax system, continued to create barriers to full-time employment for women. She would like to know whether the State party intended to continue increasing the number of day-care facilities and when it expected to reach full coverage of children under 1 year of age, between 1 and 3 years and between 3 and 6 years, and full-day schools for children over the age of 6. Did the delegation believe that increasing the availability of full-day childcare was likely to change the traditional division of care work between women and men? If not, what else might be done? She also wished to know whether it might be possible to enact legislation to eliminate the tax incentives that encouraged women to take up low-paid part-time jobs. Lastly, she wondered whether the State party planned to further develop the child benefit supplement (*Kinderzuschlag*) as part of its policy to fight poverty, since that allowance appeared to be a more efficient tool for that purpose than the general child cash benefit (*Kindergeld*).

31. **Ms. Gabr** said that she would be interested to know whether the State party currently had any specific programmes to support rural women, what programmes it planned for the future and what steps it was taking to implement the Committee's general recommendation No. 34 (2016) on the rights of rural women? She wondered what use the State party intended to make of the European Agricultural Fund for Rural Development to benefit rural women in Germany and whether any measures had been taken to encourage women to become or remain farmers. She also wished to know whether there were any specific insurance or pension arrangements for widowed women in rural areas and, in general, how the State party envisaged the future for older women and how it would support them, particularly given that women tended to have smaller pensions than men.

32. She welcomed the action plan for persons with disabilities mentioned by the head of delegation in her opening statement, but would like to know more about how the State party was supporting women with disabilities. The State party was to be commended for what it had done to ensure respect for the human rights of refugees, asylum seekers and migrants, in keeping with international norms and standards and with international humanitarian law. She wondered, however, what might be done to expedite the procedures for recognizing refugees and asylum seekers and finalizing their documents. She wished to highlight the need to facilitate the social integration of migrant women and girls, especially those who were Muslim. She would also like to know whether the State party intended to increase its support for NGOs that assisted migrants.

33. **Ms. Ferner** (Germany) said that the provision of childcare, and full-day facilities in particular, would, of course, be increased to meet demand. The number of women participating in the labour market and the number of children in childcare facilities was growing year on year. Across the country, between 95 and 98 per cent of children aged between 3 and 6 year olds were in kindergarten. There was a legal entitlement to childcare for all children over the age of 1; cases had been brought before the courts to exercise that right when there was a lack of childcare places in a given municipality. The municipalities had to uphold that right and make available sufficient childcare places. The federal government provided financial support for infrastructure and operating costs. Combining work and family life became more difficult when children reached school age, as there were not yet enough full-day school places or schools with after-school childcare services to meet demand. However, the states were, to varying degrees, making efforts to expand full-day options.

34. According to the latest figures, there were currently 17 million employees in the country, of which 3.1 million were in marginal employment, known as mini jobs, which represented a slight decrease. Mini jobs were the only category or employment to have been affected by the introduction of the minimum wage; there were now more employment contracts subject to social insurance contributions. There were no plans to amend tax legislation for the time being. Opinion was divided among legal experts: some were of the view that the tax policy by which the spousal income was jointly assessed — by means of "income splitting" — could not be abolished, because it was required under article 6 of the Basic Law, the country's Constitution, while others believed that abolishing it would not necessitate any constitutional amendment. If the rules were to be changed, the decision would come from the Federal Constitutional Court.

35. The country's rural women's association Deutscher Landfrauenverband was a powerful organization that was effective in defending the rights of rural women. The Government endeavoured to support rural women in their activity as farmers. The problem of rural exodus was due to the fact that there were not enough job opportunities for younger people but also that older people sometimes felt that their needs could be better met in urban areas. As there was no representative from the Ministry of Food and Agriculture present at the meeting, her delegation would provide the Committee with additional information on the Government efforts to support rural areas in writing at a later date.

36. Both the farmers' old-age pension provision and the statutory old-age pension insurance were based on contributions, which meant that the pension reflected the entire employment history. As such, the pension system was not set up to compensate for the disadvantages experienced by women in the labour market. It was thus necessary in future to ensure equal levels of employment of women and men so that such disadvantages did not

arise in the first place. As was the case with the mandatory State pension scheme, widows in rural areas were entitled to receive surviving dependants benefits from the old-age insurance for farmers.

37. The federal government had adopted the National Action Plan for Persons with Disabilities in accordance with its obligations under the Convention on the Rights of Persons with Disabilities. The key objective was to ensure participation for persons with disabilities to the extent that they wished and according to their abilities. There was a focus on removing barriers of all kinds, for example in public transportation and public buildings, and enhancing accessibility through the publication of documents in a range of formats and the provision of sign language interpretation services. The states and municipalities had also developed relevant action plans to promote the rights of persons with disabilities.

38. A questionnaire-based procedure for processing claims for asylum had made it possible to approve a large number of applications in a very short time. Now that so many applications had been processed, cases were increasingly being examined on an individual basis, which naturally took a little longer. Civil society was heavily involved in that area; there was a huge number of networks to welcome refugees, which received financial support from the Government. A mentoring programme had been set up by the Ministry of Family Affairs, Senior Citizens, Women and Youth to match locals with refugees and help them settle into their new communities. There was also a smartphone application for that purpose and a range of initiatives developed by civil society and the Federal Volunteers Service.

39. **Ms. Gabr** said that she would be grateful for written information on the action plan for persons with disabilities, specifically the provisions concerning women with disabilities and protection against violence.

40. **Ms. Schulz** asked whether the Government was ready to accept the recommendations made by the German Institute for Human Rights on the situation of women with disabilities in institutional settings. She wondered whether the State party was also making efforts to integrate women with disabilities into areas of the labour market other than sheltered environment and whether the network of women's representatives in institutions was operational and what resources were available to it.

41. **Ms. Ferner** (Germany) said that more information on the National Action Plan for Persons with Disabilities in relation to women with disabilities and the recommendations concerning women with disabilities in institutions would be provided in writing. The Weibernetzwerk association for women and girls with disabilities organized training for staff of institutions on the specific care of women with disabilities and also raised awareness among the women with disabilities themselves of their rights and the support available to them. Efforts were indeed being made to integrate women with disabilities into the mainstream labour market. Sheltered workshops had been set up at a time when it had been almost impossible for persons with intellectual disabilities to be integrated into the mainstream labour market. The situation had changed since then, and there was now a programme of personal assistance for persons with disabilities in mainstream employment. Of course, many companies still had reservations about employing persons with disabilities, but attitudes were changing. A transition period would be required to come up with further solutions, as moving away from sheltered workshops would not necessarily be easy for all persons with disabilities.

42. **Ms. Icken** (Germany) said that there were now 80 women's representatives in sheltered workshops, and Weibernetzwerk was training women's representatives in residential facilities. Realistically, it would take between three and five years for the network to be fully operational.

43. **Mr. Beer** (Germany) said that unfair dismissal was already prohibited under current legislation. The Federal Anti-Discrimination Agency had commissioned an evaluation report that was currently being reviewed; there were no plans to make any amendments to the General Equal Treatment Act until the results of that evaluation were available.

44. **Ms. Hennekes** (Germany) said that, in order to expedite the asylum procedure, in the past year, a number of reception centres had been opened, and there were now

approximately 1,000 case workers who personally interviewed asylum seekers. The goal was to process nearly 450,000 applications by May 2017. With regard to integration, an additional 20,000 teachers had been hired in the past year, and the number of integration courses had also risen substantially. In the first half of 2016 alone, the same number of courses had been run as in the whole of 2015.

Articles 15 and 16

45. **Ms. Halperin-Kaddari** said that she would appreciate more detailed information on the situation of women from former East Germany who had divorced prior to 1991 and had thus been excluded from the pension scheme. The court rulings did not relieve the State of its responsibility towards those women. Would the Government not consider setting up a specific fund to compensate those women for the injustice they had suffered? With regard to the establishment of a compensation fund for intersex persons who had undergone involuntarily surgery, it was disappointing that Germany was not doing more. She would welcome clarification of whether shared custody involving equal time spent between both parents was now the default arrangement. Were there special safety measures to monitor the situation in families in which there had been domestic violence? Were the courts specifically bound by legislation to take into account domestic violence in child custody cases and were there safeguards to ensure that they did not refer couples for mediation in cases of domestic violence? In the light of the statistics on the high poverty risk among single mothers and the large proportion of children who did not receive any or all of the child maintenance to which they were entitled, it was regrettable that the Government had not acted on the Committee's previous recommendation to conduct a study on the economic consequences of divorce on both parents, particularly women. She would be grateful for further information on the amendments to the law on child maintenance mentioned in the opening statement that were aimed at protecting single-parent households in the event that the parent responsible for making maintenance payments failed to do so. She asked whether the legal definition of marital assets to be distributed upon divorce included the husband's future earning capacity and increased human capital.

46. **Ms. Ferner** (Germany), referring to the women who had divorced in former East Germany, said that there were several groups that felt that they had been discriminated against under the pension system. All of those cases had been ruled on by the competent courts at the national level. The law on divorce had been amended in the former West Germany in the 1970s, moving from the principle of fault to that of irreconcilability, under which all pension rights acquired during the marriage were combined and divided in two. For West German couples that had divorced prior to that amendment, the entitlement to maintenance or pension rights had been dependent on who had been at fault. In both cases, it had all depended on whether the women had divorced by the cut-off date. The merging of the two pension systems had been extremely complex, and the matter continued to be discussed, but no agreement had yet been reached in the Government in relation to the establishment of a fund for hardship cases.

47. With regard to the compensation fund for victims of irreversible operations, an interministerial working group was still holding consultations on the matter, and she could therefore not give a definitive answer on that subject.

48. Shared custody did not necessarily mean that the children spent exactly half their time with each parent, but rather that all important decisions concerning the child's upbringing must be taken jointly by the parents. Sole custody could be granted if it was in the child's best interests, for example in cases of violence or abuse. A review was currently being conducted to identify whether joint custody might be counterproductive in some cases. The amendments to the law on maintenance payments would enter into force in July 2017. Further information on the distribution of marital assets would be provided in writing.

49. **Ms. Böke** (Germany) said that parents received support from the Youth Welfare Office in relation to shared custody arrangements, and, if they could not reach an agreement, they could refer the case to the family courts. Domestic violence was, of course, taken into account by the courts in both custody and contact arrangements.

50. **Ms. Ferner** (Germany) said that she wished to thank the Committee for the very interesting discussion, which would spur her country on in its efforts to strengthen women's rights in Germany and around the world.

51. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 5.05 p.m.

United Nations CEDAW/C/SR.1484

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1484th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 February 2017, at 10 a.m.

Chair: Ms. L[illegible]narte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka (CEDAW/C/LKA/8; CEDAW/C/LKA/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*

2. **Ms. Senarathne** (Sri Lanka), introducing her country's eighth periodic report (CEDAW/C/LKA/8), said that unprecedented political developments had recently taken place in Sri Lanka. Two years previously, for the first time since the country had gained its independence, the two main political parties had come together to form a national unity Government. As a result, many bold steps had since been taken in the fields of human rights, reconciliation and economic development.

3. Sri Lanka had demonstrated its commitment and political will to improve the situation of women. As a multi-ethnic and multi-faith country, Sri Lanka faced many challenges, and the scourge of terrorism had affected all spheres of life. The effects of the conflict on women had been particularly severe. In response, the Government had given priority to issues relating to the rights and welfare of women, in particular those affected by the conflict, and had adopted a multisectoral approach.

4. **Ms. Jinasena** (Sri Lanka) said that policy directives relating to women's rights and national programmes for the prevention of discrimination against women were based firmly on the Convention and on the guarantees set out in article 12 (2) of the Constitution. For that reason, the lack of a specific law transposing the Convention into domestic law had not prevented women from seeking redress for violations of the rights set forth therein. The Convention had been made available in the two national languages, Sinhala and Tamil.

5. Article 126 of the Constitution established that the Supreme Court had sole and exclusive jurisdiction to hear and determine any question relating to the infringement or imminent infringement by executive or administrative action of any fundamental right. Article 27 (6) of the Constitution, which established the State's obligation to guarantee equality of opportunity and prevent exploitation, was one example of a provision reflecting the rights set forth in the Convention. In addition to the Constitution, other legislative acts had been passed to give effect to the provisions of the Convention. They included the amendments made to the Penal Code in 1995, 1998 and 2006; the 2003 Citizenship Amendment Act; the 2005 Prevention of Domestic Violence Act; new regulations introduced under the Education Ordinance in 2016; the 2015 Assistance to and Protection of Victims of Crime and Witnesses Act; and the 1998 Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act.

6. The Government was currently considering proposals to draft a new Constitution, which would subsequently be put to a referendum, if required. In that connection, special attention would be paid to the chapter on fundamental rights, and consideration would be given to the inclusion of a section on women's rights in that chapter.

7. The chapter on women's rights in the National Human Rights Action Plan for 2017-2021 included a number of provisions relating to the rights set forth in the Convention in areas such as violence against women, abortion, women heads of household, employment and education. While progress had been made in empowering women, further efforts were needed to bring the realization of gender equality into line with international standards.

8. The Sri Lankan legal system was a combination of Roman-Dutch law, English common law and customary personal laws. The Government was addressing concerns raised regarding a number of discriminatory provisions in the personal laws. In 2009, a 16-member committee, which had included female members of the Muslim community, had been appointed to propose amendments to the Muslim Marriage and Divorce Act and improve the system of Quazi courts. In addition, following consultations with various stakeholders, the Ministry of Women and Child Affairs had also issued recommendations in that regard, which were being considered by the relevant Cabinet subcommittee.

9. It was expected that the recent increase in the minimum school leaving age from 14 years to 16 years would encourage girls to continue their education and thereby discourage early marriage. In addition, the Government had repealed the discriminatory provisions that had prevented Sri Lankan women from passing their nationality to their children on an equal footing with Sri Lankan men.

10. **Ms. Gunasekera** (Sri Lanka) said that, in line with the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, Sri Lanka had prioritized issues such as redress for enforced and involuntary disappearance, the right to the truth, socioeconomic empowerment and support for women affected by conflict. An Office of Missing Persons had been set up, and mechanisms relating to justice, reparations and truth-seeking were being developed. Furthermore, the Government had established an Office for National Unity and Reconciliation, headed by former President Chandrika Bandaranaike Kumaratunga.

11. In September 2016, the Cabinet had approved an action plan for female-headed households. It provided for legal aid and mediation mechanisms targeting affected women in the north and the east, offered a comprehensive definition of female-headed households and prioritized six key programming areas. The Government was determined to address the specific needs of such women and to that end was working with the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and other international bodies, as well as civil society organizations and bilateral partners. A national centre for the empowerment of widows and female-headed families had been set up in Kilinochchi in 2015. Since 2009, the Government had been implementing several livelihood and income-generation programmes to protect the economic and social rights of women, in particular women heads of household in the north and the east.

12. Regarding the difficulties faced by women in relation to landownership, a draft amendment to the Land Development Ordinance was being finalized. On 6 August 2016, the Cabinet had approved the National Policy on Durable Solutions for Conflict-Affected Displacement, which targeted the most vulnerable groups, including women heads of household.

13. Measures to combat violence against women and girls were being implemented under an action plan based on an analysis of the phenomenon. The recommendations of that analysis had also been incorporated into the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence in Sri Lanka, adopted in 2016. Also in 2016, Sri Lanka had endorsed the Declaration of Commitment to End Sexual Violence in Conflict.

14. While the Government had provided the Committee with statistics on cases of violence against women, it had been unable to collect data disaggregated by category of victim or suspect, and it was in need of support for capacity-building in that regard. A pilot project to introduce a digital database for recording complaints of violence against women had been implemented in the Thimbirigasyaya Divisional Secretariat, and a secure database connecting police headquarters with police stations had been set up to gather detailed data in real time.

15. Sri Lanka had a robust health-care system that included programmes to prevent sexual and gender-based violence and support survivors. Health-care facilities and staff provided both institutional and field-based care to women and children across the country. The Government provided counselling, legal aid and shelters to victims of sexual and gender-based violence.

16. The Ministry of Law and Order had been established to create a more responsive and accountable police service. The Ministry of Women and Child Affairs was working with 42 children's and women's desks in the police service to deal promptly with cases of sexual and gender-based violence. The Sri Lankan police had deployed 279 female police officers to children's and women's desks in the north and the east, and efforts were under way to recruit 200 female Tamil-speaking police officers for those areas.

17. The Government had taken measures to prevent trafficking in persons. In June 2015, Sri Lanka had become a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

against Transnational Organized Crime. A task force had developed a strategic plan to monitor and combat human trafficking for the period 2015-2019.

18. **Ms. Senarathne** (Sri Lanka) said that the empowerment of rural women was a priority and that women had a vital role to play in efforts to achieve the Sustainable Development Goals. The Government continued to implement microfinance initiatives for the self-employment of rural women. In December 2015, it had decided that at least 25 per cent of State project funds should be invested in initiatives to improve the rural economy and facilitate the economic participation of rural women.

19. Sri Lanka had achieved gender parity at the primary, secondary and tertiary educational levels. The Government continued to promote accessibility and equality in education by providing free education from the primary to the undergraduate level. Women made up the majority of students at university and in non-vocational tertiary education. The Government acknowledged that a gender imbalance remained in technology-related fields, and the Education Sector Development Programme for 2013-2018, supported by the Asian Development Bank, was aimed at improving the situation. The Government was also committed to addressing gender stereotypes through gender mainstreaming and the inclusion of gender in school curricula. Greater efforts nevertheless needed to be made to increase women's economic participation and political empowerment.

20. The Prime Minister had issued a directive for the establishment of day-care centres at workplaces with a view to promoting the employment of women. In addition, 600 day-care centres were being set up in the plantations sector under the Early Childhood Development Project, which was supported by the World Bank, and guidelines had been developed to upgrade existing centres and train their staff.

21. **Mr. Aryasinha** (Sri Lanka) said that, since 1976, the employment of Sri Lankans abroad had generated substantial flows of income into the country. Owing to government intervention to reduce the migration of unskilled labour, the rate of female emigration had begun to decline in 2007.

22. An increasing number of women occupied high- and mid-level managerial positions in the public and private sectors and participated in the formulation of government policy at all levels. Sri Lankan women served as secretaries of ministries and heads of diplomatic missions and in the judiciary. The nineteenth amendment to the Constitution stipulated that the Constitutional Council responsible for making appointments to high-level positions should strive to achieve a gender balance. As part of the constitutional reform process, more than 300 women had provided opinions before the Public Representative Commission.

23. Sri Lanka had granted women the vote in 1931, had first elected a woman to its legislative assembly in the same year and had been the world's first country to have a female prime minister. However, women remained underrepresented in legislative bodies, and the Government was making efforts to remedy the situation. In 2016, for example, the Local Authorities Elections Act had been amended to provide for a quota of 25 per cent for women candidates in local government elections.

Articles 1 to 6

24. **Ms. Hayashi** said that, in the context of the constitutional reform process, she wished to know whether consideration had been given to the current absence of provisions prohibiting direct and indirect discrimination against women, the issue of intersectional discrimination based on gender and caste, the inclusion of sexual orientation among the prohibited grounds of discrimination and the fact that article 16 of the Constitution allowed laws that contravened the Convention to remain in force and did not provide for judicial review. She also wished to know the time frame for the proposed referendum and the constitutional reform process as a whole.

25. Clarification was needed regarding the status of the most recent National Human Rights Action Plan. In particular, it would be helpful to learn whether it had been officially publicized and had entered into force and whether the State party planned to consolidate the various overlapping action plans and programmes into a single policy document with the necessary budget, benchmarks and monitoring mechanisms. Further information on the

measures to be taken under the National Human Rights Action Plan to repeal discriminatory provisions would be welcome. Lastly, she wished to know how the State party planned to improve women's access to justice, in particular with regard to the provision of affordable legal services in both national languages.

26. **Ms. Patten** asked how the Government had responded to reports of a pervasive climate of fear in the northern and eastern parts of the country, including reports of harassment, violence and unjustified surveillance, in particular targeting women. Were there plans to change the institutional culture that promoted such practices? She wished to know what steps had been taken to demilitarize the north and to ensure that the military was no longer involved in civil administration and that women had access to livelihood opportunities. As the statistics provided by the State party showed that almost 50 per cent of the sexual offence complaints received between 2011 and July 2016 were still under investigation, it would be helpful to know what specific measures had been taken to complete the investigations and prosecute the alleged perpetrators. She would be grateful for an update on the 39 sexual violence cases involving the military that had been reported to the Human Rights Committee in 2014. Were there plans to conduct comprehensive mapping of all pending criminal investigations relating to habeas corpus and fundamental rights petitions and the findings of all inquiries in which specific cases had been identified?

27. She wished to know what specific measures had been taken to create an environment more conducive to the reporting of cases of sexual violence, whether the Government took a zero-tolerance approach towards sexual violence perpetrated by the armed forces and police and, if so, whether monitoring mechanisms had been put in place. Furthermore, it would be useful to learn whether consideration had been given to the possibility of reviewing and amending the 2015 Assistance to and Protection of Victims of Crime and Witnesses Act to incorporate better safeguards for the independence and effectiveness of the victim and witness protection programme. She also asked how the Government planned to ensure the independence and integrity of senior government officials appointed to the Victim and Witness Protection Division.

28. **Ms. Jinasena** (Sri Lanka) said that the Constitution, domestic law and other procedural laws ensured the compliance of Sri Lanka with its international obligations. The Government was convinced that existing provisions were sufficient to protect the rights set forth in the Convention.

29. Article 12 of the Constitution established the right of all persons to equal protection under the law and prohibited discrimination on the grounds of race, religion, language, caste, sex, political opinion or place of birth. It also allowed special provision to be made, by law or executive action, for the advancement of women, children or disabled persons. Under article 27, the State was obliged to ensure equality of opportunity to all citizens and to establish a society in which the fundamental rights and freedoms of all persons could be realized.

30. Various legislative amendments had been made to ensure compliance with the Convention. The Penal Code, for example, had been amended to establish a mandatory minimum sentence for various offences, including rape, procuring and trafficking in persons. Furthermore, in its verdict on case No. SC/FR/No. 76/2012, in which it had granted relief to a woman who had suffered discrimination, the Supreme Court had referred to the obligations of Sri Lanka under the Convention; several other cases involving discrimination were pending.

31. **Ms. Manatunga** (Sri Lanka) said that, as detailed in paragraphs 14 to 20 of the replies of Sri Lanka to the list of issues (CEDAW/C/LKA/Q/8/Add.1), the National Human Rights Action Plan for 2017-2021 had been adopted in January 2017 and covered the repeal or review of a number of discriminatory laws and various other legislative amendments.

32. **Ms. Gunasekera** (Sri Lanka) said that the Prime Minister had taken a leading role in efforts to address the issue of sexual and gender-based violence. Data-collection mechanisms needed to be improved, and work was under way to digitize the process for registering complaints.

33. **Ms. Patten** said that she would be grateful for a response to her question on the efforts being made to combat impunity. In that connection, she drew attention to the reports of the former Special Rapporteurs on extrajudicial, summary or arbitrary executions, Philip Alston and Christof Heyns, and the graphic footage broadcast by *Channel 4 News*. Furthermore, while the enactment of the Office of Missing Persons Act represented a positive step, the delegation should comment on reports that the Government was seeking to weaken its provisions, in particular those relating to international cooperation. In addition, in the light of Human Rights Council resolution 30/1 (2015), she wished to know the Government's current position on the establishment of a special court and the participation of international judges, prosecutors, investigators and lawyers in the transitional justice process. She would welcome an update on the status of the report prepared by the Consultation Task Force on Reconciliation Mechanisms and the implementation of its recommendations. Was the Government committed to defending the report against attempts by some government officials to discredit it?

34. **Ms. Hayashi** said that, when the State party had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, it had enacted legislation to reflect the rights set out in those instruments. However, it had enacted no such legislation in relation to the Convention. The National Human Rights Action Plan contained recommendations for a series of new provisions, but a specific law should be introduced to ensure that those provisions were indeed established. In her view, the introduction of such a law would not be worthwhile unless article 16 of the Constitution was repealed.

35. **Ms. Halperin-Kaddari** asked whether a gender component had been incorporated into plans for the hybrid special court to be set up as part of the transitional justice process and what measures had been taken to increase the participation of women in the process of reforming the customary personal laws.

36. **Ms. Rana** asked what specific measures had been taken to increase the participation of women and civil society in the national peacebuilding and reconciliation process and national planning processes. The Committee would be grateful for an update on the progress made towards the adoption of the draft national action plan on the implementation of Security Council resolution 1325 (2000) and subsequent Security Council resolutions on women and peace and security. It would be helpful in particular to learn whether consultations had already been held with provincial councils, district secretaries and the community. In addition, she wished to know the Government's position with regard to the militarization of the land in the north and east of the country and whether the review of the Land Development Ordinance would cover land-grabbing by the military.

37. **Ms. Schulz** asked whether a woman who had been discriminated against under a legislative provision and who exercised her constitutional right to apply to the Supreme Court in respect of the infringement of a fundamental right by executive or administrative action could obtain redress in the form of annulment of that provision, and whether sexual orientation would be added to the list of constitutionally prohibited grounds of discrimination. Lastly, she expressed concern at the length of time taken to introduce legislative amendments, as many of the legislative issues discussed during the consideration of the previous periodic report of Sri Lanka had still not been resolved.

38. **Ms. Haidar** said that, regarding the transitional justice process, she wished to know whether there was sufficient political will to facilitate the secure and confidential testimony of witnesses from abroad and whether consideration had been given to the use of letters rogatory, as victims were currently deterred from coming forward by the requirement to testify at a Sri Lankan embassy, which risked compromising their anonymity.

39. **Mr. Aryasinha** (Sri Lanka) said that, while some initiatives had not been fully implemented, Sri Lanka had nevertheless made great advances in the sphere of women's rights, in particular over the previous two years. Since the end of the conflict, the Government had gradually and systematically restored civil administration in the affected areas. Under the nineteenth amendment to the Constitution, the police department operated under the National Police Commission, on which women were represented. In addition, the zero-tolerance approach to gender-based violence and torture had been strengthened in

recent years. Measures had been taken to ensure that substantiated allegations were thoroughly investigated. As detailed in paragraph 46 of the replies of Sri Lanka to the list of issues (CEDAW/C/LKA/Q/8/Add.1), instructions had been issued to law enforcement officials regarding the rights of arrested and detained persons and the action that would be taken against persons found to have perpetrated human rights violations.

40. The Government had issued a standing invitation to special procedures mandate holders. Over the previous few years, around five had visited the country, two or three further visits had been scheduled, and several other requests were being processed. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence had offered assistance in an informal capacity and had made several visits to the country. Special procedures mandate holders were granted unfettered access to all areas, and some of them had noted that the country's detention centres were not a cause for concern. The recommendations received from special procedures mandate holders were studied carefully.

41. The Government could not investigate allegations of sexual and gender-based violence perpetrated by the security forces unless it had full access to the relevant evidence. One NGO that had highlighted allegations had refused to hand over such evidence. Similarly, the *Channel 4 News* team had refused a request to hand over the original footage from which its programme had been assembled, and the veracity of the allegations thus could not be confirmed.

42. With regard to transitional justice mechanisms, the Government had embarked on an inclusive process in line with Human Rights Council resolution 30/1 (2015), with the aim of ensuring the right to truth, justice and guarantees of non-recurrence. The Office of Missing Persons had been established in August 2016, and provision would also be made for a truth-seeking commission, a judicial mechanism with a special counsel and an office for reparations. Furthermore, a secretariat responsible for coordinating the reconciliation mechanisms had been set up in 2016. Its work had included consulting experts and securing the required training and capacity-building. The Government would examine allegations of sexual violence through the proposed mechanisms. Further updates would soon be provided to the Human Rights Council. The Consultation Task Force on Reconciliation Mechanisms had been set up to seek the views of the public with regard to the design of the mechanisms. It was headed by a woman, and 6 of its 11 members were women. It had completed a round of consultations and had submitted a report containing recommendations.

43. It was important to note that the truth-seeking and reconciliation process was currently at an early stage. Thus, while the Government would certainly be grateful for further assistance and support, criticism of its work to date would be not only premature, but also counterproductive.

44. **Ms. Jinasena** (Sri Lanka) said that victim and witness protection was provided by an authority established under the Assistance to and Protection of Victims of Crime and Witnesses Act. The authority was considering 14 requests for protection filed under the Act, which also provided for legal aid through a network of lawyers available to assist victims.

45. **Ms. Rana** said that despite the considerable number of national action plans in place on various aspects of human rights and the advancement of women, there had been significant delays in the establishment of a national commission for women, which had been in the pipeline for several years. She wished to know the status of the bill for the establishment of the commission, when the bill was likely to be adopted, what authority the commission would have, how adequate financial and human resources would be secured to enable it to function effectively, and how its independence would be guaranteed. She also wished to know how the commission would be appointed, and to what degree civil society representatives had been involved in finalizing the bill.

46. While she welcomed the Government's plan to establish a gender mainstreaming committee with gender focal points in each ministry, she expressed concern that existing committees and programmes were underfunded and asked how those new committees would be financed. How would tasks relating to women's advancement be divided among the ministries, and how would policy coherence be achieved? She asked how the gender focal points would be appointed, what their role would be and what authority they would

have. Given the general lack of funding, she wondered whether a consolidated action plan for the advancement of women would in fact be a more practical approach.

47. The Committee was concerned about reports that the Government's plan to decriminalize homosexuality had been abandoned on grounds of culture and that the National Human Rights Action Plan had been adopted without consultation with the national Human Rights Commission or civil society. She asked whether there was a monitoring mechanism in place to oversee implementation of the Action Plan.

48. **Ms. Song**, welcoming the State party's efforts to institute temporary special measures to increase gender equality, in particular the establishment of quotas to enhance women's political participation at the local level, asked whether the impact of those measures had been assessed and whether any obstacles to their implementation had been encountered. She wished to know whether the State party intended to incorporate quotas for women's political participation into law and whether similar measures would be instituted to increase women's political participation at the national level. She asked whether there were any other areas, in addition to political participation, where further temporary special measures might be required to ensure de facto equality for women.

49. **Ms. Senarathne** (Sri Lanka) said that the various action plans addressed different aspects of human rights and women's advancement, each of which could be implemented by the relevant ministry, while all of those aspects were brought together under the National Human Rights Action Plan. An independent steering committee would be established to oversee and coordinate implementation of the various plans. Quotas for women's participation in politics had only been set at the local level. The Government hoped that if participation was encouraged at the local level, participation at the national level would follow naturally in due course.

50. **Ms. Gunasekera** (Sri Lanka) said that temporary special measures were introduced when the need arose. A special recruitment effort had been made, for example, to employ Tamil-speaking female police officers in the civil defence forces. Challenges had arisen, however, owing to a dearth of qualified candidates.

51. **Ms. Rana** asked which officials would be on the steering committee to oversee implementation of the National Human Rights Action Plan, and what monitoring mechanisms were in place.

52. **Ms. Senarathne** (Sri Lanka) said that she would chair the steering committee, the membership of which would comprise ministerial secretaries. The allocation of funds for the implementation of the action plans would be monitored by the budget department, and the implementation of activities would be monitored by the relevant ministries.

53. **Ms. Manatunga** (Sri Lanka) said that each of the draft plans on individual thematic areas, which had been compiled to form the National Human Rights Action Plan, had been submitted to the national Human Rights Commission for its consideration. The Commission's comments and recommendations had been incorporated before the final draft consolidated action plan had been submitted to the Cabinet for approval.

54. **Ms. Acosta Vargas** asked, with respect to the State party's efforts to change societal attitudes and address gender stereotypes in education, the media and the entertainment industry, whether any specific activities had been conducted with civil society groups and women's associations to raise awareness of the prevailing culture of discrimination against women. She requested clarification with regard to the State party's intention to redefine the "head of household" concept in gender-neutral terms.

55. During situations of civil war, the persistence of traditional gender stereotypes could undermine women's access to justice and foster a culture of impunity. That culture still prevailed in the State party. The Committee was particularly concerned to note that police and judicial authorities often expressed contempt for women who filed complaints of violence and discrimination. The high tolerance for women's suffering was a stark demonstration of inequality. Many authorities appeared to accept the idea that women should be little more than slaves to their husbands and should be expected to provide sexual favours in exchange for the services they needed, even those of a public nature. What steps, in addition to routine training, were being taken to change those patterns of conduct, and

what punitive measures had been taken against officials who were supposed to protect the public but had worsened the situation of women by perpetuating stereotypes?

56. **Ms. Vall Verges** expressed concern that little progress had been made in the prevention of violence against women over the reporting period. Legislation on violence against women had been adopted but was not being implemented. There were significant delays in the consideration of complaints in domestic violence cases, with the result that complainants often became discouraged and withdrew their complaints. Social support for victims was inadequate and data on violence were not disaggregated and therefore did not present a clear picture of the situation. Action to implement the Committee's previous recommendations had been lacking; in particular, no substantial efforts had been made to improve women's access to justice, which was impeded by traditions and customs that allowed women to seek justice only with their husbands' permission. The marked increase in violence against women since the end of the civil war was particularly alarming. Training programmes offered by the authorities for the reintegration of female former combatants into the labour market were rife with gender stereotypes. She asked what was being done to rectify all those problems.

57. **Ms. Jahan** asked when the planned legislative reform to address trafficking in persons would take place, what obstacles were impeding the implementation of new laws and policies, and whether the new legislation would include specific gender components. She wished to know how adequate human and financial resources were provided to government authorities working to address trafficking in persons and to the National Anti-Human Trafficking Task Force. The low rates of investigation, prosecution and punishment of traffickers exposed a serious legal gap that must be bridged. She asked what would be done to ensure that such offenders were prosecuted for trafficking and not for procuring, which carried lighter penalties. Were officials being trained in victim identification, and were procedures in place to prevent the deportation of foreign victims of trafficking? Allegations of official complicity in trafficking were particularly serious and must be addressed. Women migrant workers and internally displaced persons were especially vulnerable to trafficking. She wished to know what measures were in place to protect them and to monitor the patterns of employment of such workers. What was being done to tackle the root causes of trafficking?

58. The situation with regard to prostitution and sexual exploitation, and in particular the misuse of the Vagrants Ordinance to arrest women, who were often then mistreated, was especially worrying. She requested updated information on the measures taken to repeal the Vagrants Ordinance. The involvement of officials in sexual bribery, in particular in militarized zones, was very serious and must be addressed. She wished to know if the Bribery Act would be amended to include a specific reference to the offence of sexual bribery.

59. **Ms. Gunasekera** (Sri Lanka) said that many households in Sri Lanka were headed by women. It was imperative to set standards whereby the term "head of household" was viewed as gender-neutral and to move away from patriarchal standards and assumptions. Many women sought to migrate to countries of the Gulf Cooperation Council in search of employment; often they were heads of household.

60. The Government took matters of gender mainstreaming and awareness-raising very seriously. Challenges persisted, however. The Cabinet was responsible for setting up gender mainstreaming programmes in all ministries to ensure gender equity in policy formulation and implementation and promote gender budgeting. In order to minimize sexual harassment and gender-based discrimination in the workplace, a gender focal point would be appointed in each ministry.

61. Efforts were being made to change societal attitudes and overcome stereotypes. Gender had been mainstreamed in school curricula from the primary level onward, and steps were being taken to eliminate stereotyping in the entertainment industry and the mass media.

62. **Ms. Jayasuriya** (Sri Lanka) said that sexual and gender-based violence was an unfortunate fact of life throughout Sri Lanka, and women had become particularly vulnerable in the post-conflict era. The Prime Minister's office had taken a strong stance on

violence against women, and the police had been empowered to tackle the problem. The lack of specific data on victims, perpetrators and types of crime had been an impediment to progress. Efforts were being made to gather the relevant data. The Prevention of Domestic Violence Act was being amended, medical and psychosocial support were being provided to victims and legal provisions enabled third parties to institute cases.

63. Police officers were being trained in the sensitive handling of gender-based violence and in human rights-based policing. Revisions to the law on abortion were being considered. Measures had been taken to increase the number of police officers who spoke local languages, in particular Tamil, and more female police officers had been deployed in the northern part of Sri Lanka. Several perpetrators of sexual bribery had been convicted through the work of the Commission to Investigate Allegations of Bribery or Corruption.

64. On the prevention of trafficking in persons, she said that an interministerial anti-trafficking task force had been established, and some 1.5 million rupees had been allocated to setting up a shelter for victims. While trafficking in persons was defined as an offence under the Penal Code, trafficking offences were difficult to prove. The Ministry of Foreign Employment was taking action to regulate employment subagents at the regional level. Poverty and lack of empowerment, however, continued to prompt people to migrate from Sri Lanka in search of employment. Standard operating procedures for handling cases of trafficking were being followed with the support of the International Organization for Migration. Joint action was being taken in the region to protect migrant workers through the Colombo Process. The most recent ministerial meeting in that context had culminated in a commitment to promote women's empowerment and protection. The Government was doing its utmost to improve communication with labour-receiving countries in the Gulf Cooperation Council, with the aim of eliminating the risk of migrant abuse.

65. **Ms. Patten** said that while the measures taken to promote good governance and national reconciliation were welcome, progress remained worryingly slow. Violence against women, in particular in the north and east of the country, remained prevalent. The Committee was particularly concerned about reports that widows and family members of the disappeared and women activists working on their behalf were asked for sexual services in return for information about their loved ones. She asked what was being done to eliminate sexual bribery and to address intimidation and harassment by the criminal investigation authorities, particularly against women who were former combatants. The Committee had also received reports of sexual abuse of women who were being given vocational training by military personnel. What measures were being taken to eliminate and prevent such abuse?

66. **Ms. Jahan** asked to what extent the Government had benefited from hearing about the experiences and best practices of other countries in addressing trafficking in persons, through the regional consultations of the Colombo Process. She expressed concern that measures to prohibit the migration of domestic workers under the age of 23 to the Middle East could in fact serve to encourage illicit migration and trafficking. She asked what monitoring measures were in place to ensure that young women were not victimized as a result of that prohibition. She wished to know whether sexual bribery and the appropriate penalties would be included explicitly in the Bribery Act.

67. **Ms. Acosta Vargas** said that the issue of heads of household was not gender-neutral; the vulnerability of women heads of household must be acknowledged, particularly in the context of conflict and post-conflict reconstruction. She asked whether civil society groups and women's associations were involved in efforts to change societal attitudes and address negative patterns of behaviour that affected women. During the post-conflict transitional period, women were suffering the most. She would welcome further information on how public officials who acted on the basis of prejudice and stereotypes, in particular law enforcement officers, would be sanctioned. The Committee had been informed that the average time taken to consider a domestic violence case was 10 years in the case of adult victims, and that judicial procedures were preceded by mediation panels in which religious authorities tried to dissuade women from proceeding with their cases. She asked whether the State party had any intention of changing that system.

68. **Ms. Vall Verges** asked what amendments were being made to legislation in order to prevent domestic violence. She would appreciate further information on the prevalence of rape, the number of rape cases reported and the number of convictions.

69. **Ms. Hayashi** asked for the Government's views on the provision of compulsory counselling to victims of domestic violence. In northern Sri Lanka, land-grabbing by the military when taking up civil administrative duties had caused large-scale displacement. She wished to know what was being done to demilitarize those areas and ensure the restitution of land and rights, in particular to women.

70. **Ms. Schulz** asked what measures were in place to protect sex workers against violence and whether there was a clear time frame for the repeal of the Vagrants Ordinance. She also asked whether the State party intended to amend the Penal Code and trafficking legislation with a view to decriminalizing consensual sex work and stopping the conflation of trafficking, sexual exploitation and sex work.

71. **Ms. Halperin-Kaddari** asked whether the State party planned to amend the Penal Code to decriminalize sexual activity between two consenting adults of the same sex.

72. **Ms. Jinasena** (Sri Lanka) said that a committee had been appointed to draft a new Constitution for consideration by Parliament. Seven subcommittees had been set up to oversee the treatment of particular thematic areas in the new draft. The subcommittee responsible for fundamental human rights had engaged in comprehensive consultations on sexual orientation, and had proposed that sexual orientation should be included in the list of prohibited grounds of discrimination. That proposal was under consideration.

73. **Ms. Jayasuriya** (Sri Lanka) said that the requirement to obtain family background reports when women wished to migrate had been introduced in good faith for the protection of women's families, particularly since many potential migrant workers came from remote areas and were low-skilled workers. Efforts were being made to provide training for those women, with a view to generating a productive, skilled workforce and encouraging them to seek employment opportunities in Sri Lanka. With regard to trafficking, a digitized complaint system had been set up and a shelter for victims had been established at Colombo airport, which provided psychosocial support for victims. The Government was committed to the Colombo Process and the Abu Dhabi Dialogue. In that context, efforts were being made to provide pre-departure orientation and prevent undocumented migration. Demilitarization was under way, but was a gradual process, in the course of which land was being released from military control.

74. **Ms. Gunasekera** (Sri Lanka) said that amendments to the Prevention of Domestic Violence Act had been drafted by legal experts, with an emphasis on repealing discriminatory provisions on the credibility of evidence given by women. The proposed amendments had been submitted to the Ministry of Justice for appropriate action. Delays in the disposition of cases did indeed affect victims and posed a perennial problem owing to the sizeable caseload. The Chief Justice had issued a directive for trials to be taken up on a day-to-day basis. Consideration was also being given to the establishment of a special court to deal with cases involving child abuse.

75. **Ms. Senarathne** (Sri Lanka) said that a draft action plan for the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security was being prepared through a comprehensive consultation process at all levels of the national administration. The action plan would address sexual violence and armed conflict, the participation of women in political and public life, gender mainstreaming in the security forces and poverty alleviation among women affected by war, among other issues. The rehabilitation of former combatants was taken very seriously, and female former combatants were given priority in social programmes, with particular efforts to retrain them and give them access to higher education and the labour market. Considerable efforts were being made to overcome the social stigma attached to former combatants, with support from neighbouring countries, in particular the Government of India.

Articles 7 to 9

76. **Ms. Song** said that women's participation in political and public life was both a goal and a strategy in the area of gender equality. A critical mass of women in leadership positions was crucial, yet women remained severely underrepresented in politics in the State party. She asked for information on the root causes of such low levels of participation and on the changes that would be made to the electoral system to address them. She wondered to what extent the women's caucus, established in Parliament in 2006, had been successful and what difficulties had been encountered in meeting the goal of achieving a 30-per-cent increase in women's representation in Parliament, provincial councils and local government. She also asked whether women in the diplomatic service received adequate training opportunities to facilitate their upward mobility, and how many of the State party's ambassadors were women.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1485

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 March 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1485th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 February 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.17-03012 (E) 010317 070317

1703012

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka (continued) (CEDAW/C/LKA/8; CEDAW/C/LKA/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Senarathne** (Sri Lanka) said that, as the delegation had previously acknowledged, the percentage of women in legislative bodies left much to be desired. However, the Government was making a concerted effort to rectify that anomaly. The current electoral system, which was based on preferential voting, discouraged women from standing for election, as it obliged potential candidates to mobilize significant levels of financial and human resources in order to expand their electoral base.

3. The temporary special measures taken included the establishment of a 25-per-cent quota for women candidates at the local government level. Furthermore, the Government was undertaking extensive consultations on electoral reform and a campaign had been launched by the Ministry of Women and Child Affairs to raise women's awareness of the importance of participating in the political process at all levels. A women's caucus in Parliament played an advocacy role by encouraging women to participate in politics. In joining the Open Government Partnership in 2015, the Government had undertaken to increase women's participation in politics.

4. **Ms. Manatunga** (Sri Lanka) said that a number of temporary special measures were envisaged under the National Human Rights Action Plan, including the introduction of quotas for women candidates, the conduct of special training programmes to enhance the skills of potential women candidates and the development of guidelines on the nomination and appointment of women to Parliament, provincial councils and local government.

5. **Ms. Gunasekera** (Sri Lanka) said that Sri Lanka had 15 women ambassadors and 22 women deputy heads of mission serving abroad. Following the recent introduction of a merit-based examination for recruitment to the Foreign Service, more women than men were now employed as Foreign Service officers. In the judiciary, there were 6 women justices serving in the superior courts, 10 in the high courts and 76 in the district and magistrate's courts.

6. **Ms. Song** said that it was still not clear how the State party intended to address the challenges posed to women by the proportional representation system.

7. **Ms. Patten** said that she wished to know whether, in the ongoing discussions on electoral reform, the State party had considered adopting temporary special measures that would facilitate the electoral participation of parties representing minority groups and reserve a certain number of parliamentary seats for such parties.

8. **Ms. Gunasekera** (Sri Lanka) said that the delegation had responded to the question asked by Ms. Song concerning the challenges posed by the electoral system.

9. **Ms. Jayasuriya** (Sri Lanka) said that one of the main aims of the proposals to transition from a preferential voting system to a first-past-the-post system was to improve the electoral prospects of rural women who were politically active in their communities. The question of establishing quotas for members of minority groups had also been addressed in the discussions on electoral reform. Plans were in place to establish a quota of 25 per cent at the grass-roots level, while discussions concerning the size and nature of the quotas to be established at the provincial and national levels were still ongoing.

Articles 10 to 14

10. **Ms. Gbedemah** said that, while she commended the State party on its achievements in the field of education, including its compulsory education initiative and very high

literacy and enrolment rates, she wished to know whether the State party would consider using temporary special measures to strengthen its efforts to achieve universal provision of quality education for girls in each ethnic group at each level of the education system, in accordance with the recommendation made by the Committee in its concluding observations on the combined fifth to seventh periodic reports (CEDAW/C/LKA/CO/7, para. 33). She also wished to know how regional disparities in the provision of education would be addressed and what strategies were in place to ensure the provision of quality education.

11. Noting that the Committee on the Rights of the Child had recommended that human rights and peace education should be included in the curriculum (CRC/C/LKA/CO/3-4, para. 63 (h)), she requested information on the implementation, impact and coverage of such programmes and on whether they empowered girls in conflict-affected areas to counteract harassment, abuse and violence. She asked whether the military occupation of schools had ceased; whether cadet corps training involved the use of firearms; what programmes were in place to use education as a means of providing reparation and achieving reconciliation; and how such programmes were being implemented, monitored and evaluated.

12. Recalling that the Committee had recommended that the State party should overcome gender role stereotyping in formal education and elaborate a policy aimed at promoting girls' access to vocational and technical education and women's access to higher education in science (CEDAW/C/LKA/CO/7, paras. 33 (b) and (c)), she asked whether the Government would consider implementing temporary special measures to address the fact that relatively few women opted to study engineering and information technology. She also asked whether a midterm assessment of the impact of the Asian Development Bank Education Sector Development Programme (2013-2018) had been carried out. The State party should abandon gender stereotypes in education and expand gender-sensitive educational programmes.

13. Noting that, in the area of vocational training, women tended to opt for subjects that led to careers traditionally associated with women, she asked how many vocational schools had been established in conflict-affected areas and what steps were being taken to train and recruit more teachers in subjects not traditionally studied by women. Given that pregnancy was the leading factor that prompted girls to drop out of school, she asked for further information on sexual and reproductive education in the State party. Lastly, she requested information on the barriers impeding the access of children with disabilities to formal education and the steps being taken to overcome those barriers.

14. **Ms. Hayashi** said that, while she commended the State party on the progress it had made in providing equal access to education and raising the literacy rate, she was concerned to note that the percentage of women participating in the labour market remained low, that the unemployment rate for women was almost twice the rate for men and that significant gender pay gaps existed in the private and informal sectors. She asked what measures were being taken to identify and address the obstacles that prevented women from entering the labour market and to facilitate women's entry into male-dominated fields of employment.

15. Noting that the version of the National Human Rights Action Plan adopted by the Cabinet had not yet been disclosed to civil society, she asked when the Plan would be disclosed and what measures it contained to ensure that female former combatants could be reintegrated into society. Did the Government facilitate the access of female former combatants to employment and vocational training?

16. She wondered whether the State party would consider abolishing the regulations that required women to submit a family background report and obtain their husband's consent if they wished to migrate to look for work. She asked whether any alternative protection mechanisms had been established to enable women to migrate and reintegrate into society on their return to the State party; whether the 2005 policy against sexual harassment in the workplace was still in force or had been incorporated into the National Action Plan on Gender-based Violence; and how many perpetrators of sexual harassment had been disciplined or dismissed in accordance with the 2005 policy. Noting that the State party planned to establish gender focal points in all government ministries, she asked what steps

were being taken to prevent sexual harassment in the private sector and which body would be responsible for organizing regular training and awareness-raising activities in that area.

17. **Ms. Arocha Domínguez** said that she would like the State party to provide information on programmes for women whose health and emotional well-being had suffered as a result of the conflict and on programmes to enable female former combatants to become reintegrated into economic and political life without being subjected to stigmatization or prejudice.

18. The State party's positive health indicators were commendable, but it was not clear whether the entire population benefited from low maternal mortality rates and widespread availability of contraception, as disaggregated data on those matters had not been provided. While the State party had established various programmes and offices specializing in sexual and reproductive health, she wondered whether programmes that addressed other aspects of sexuality were being implemented to meet the needs of women who did not wish to have children, lesbian women, prostitutes, women living with HIV/AIDS and other groups. Could the needs of such groups be addressed in a manner that was free from stigmatization and prejudice?

19. Noting that few statistics had been provided on the number of persons living with HIV/AIDS and the main ways in which the virus was transmitted, she wondered whether HIV/AIDS cases were underreported. She asked whether an HIV prevention and early detection programme had been established. Lastly, regarding the information on abortion provided in the State party's replies to the list of issues (CEDAW/C/LKA/Q/8/Add.1, paras. 26 and 27), she asked whether abortion would be made legally available to victims of rape, statutory rape or incest, which body would be responsible for adopting those measures and whether a plan was in place for duly communicating those changes to health workers across the country.

20. **Ms. Senarathne** (Sri Lanka) said that Sri Lanka had achieved gender parity in enrolment at all levels of the education system. The Government continued to ensure equal access by providing free education from the primary to the undergraduate level. Education was now compulsory for all children up to the age of 16, and free textbooks and uniforms and subsidized school transport were provided. Although more women than men enrolled in universities and non-vocational tertiary education establishments, women were underrepresented in certain subjects, such as engineering and information technology, and their access to certain well-remunerated jobs was hindered as a result. To tackle that problem, the Government planned to introduce vocational training for women in non-traditional fields, to address gender stereotyping through gender mainstreaming and to integrate gender into school curricula from the primary to the tertiary levels. Moreover, the Gender Action Plan developed by the Asian Development Bank was aimed at increasing women's participation in new technology streams and developing gender-sensitive training modules for teachers.

21. **Ms. Gunasekera** (Sri Lanka) said that the family background report was intended to ensure that children whose mothers left the country to look for work were duly protected. In that regard, the Ministry of Foreign Employment had employed over 1,000 development officers to visit families, put them in contact with counselling and other services and ensure that children would receive adequate care. In line with its obligations under the Convention, the Government of Sri Lanka sought to ensure that childcare duties were shared equally between men and women. Although significant progress had been made towards that goal, further change needed to take place.

22. **Ms. Jayasuriya** (Sri Lanka) said that there was a high level of awareness of HIV/AIDS in the country, and confidential counselling programmes were available for persons living with HIV/AIDS. Statistics would be provided in writing.

23. **Ms. Jinasena** (Sri Lanka) said that the committee appointed by the Ministry of Justice had concluded its deliberations on the decriminalization of abortion in 2016 and had recommended that sections 303 to 306 of the Penal Code should be amended to permit the termination of pregnancy in three cases: if the pregnancy was the result of rape or incest, if the pregnant woman was under the age of 16 years, or if the fetus was seriously impaired. The Ministry was currently taking steps to raise awareness and initiate a dialogue with the

relevant stakeholders, including religious leaders, to facilitate the adoption of the proposed amendments.

24. **Ms. Gunasekera** (Sri Lanka) said that, in collaboration with the German Agency for International Cooperation (GIZ), a vocational training centre had been established in Killinochchi to meet the needs of the Northern Province. The qualifications awarded would be equivalent to those provided by the Ceylon-German Technical Training Institute in Colombo.

25. **Ms. Arocha Domínguez** said that she would be interested to know more about HIV/AIDS awareness-raising campaigns, particularly in the light of the concerns expressed by the Committee on the Rights of the Child to the effect that factors such as tourism and an increase in commercial sex put the country at risk of the spread of HIV, and young women lacked knowledge about HIV/AIDS. She would be grateful for clarification of the status of the proposed amendments decriminalizing abortion and of the role that the recently initiated dialogue would play in that regard.

26. **Ms. Patten** asked whether the Government was reviewing the practice whereby military forces ran farms and businesses in the north and deployed women to operate them.

27. **Ms. Manalo** said that she would be interested to know how the Government was taking the special skills of female former combatants into account in its efforts to facilitate their re-entry into employment. She asked what measures were being taken to combat the increase in suicide and attempted suicide among women and whether there were suitable health facilities throughout the country for women who had attempted suicide or self-harm.

28. **Ms. Senarathne** (Sri Lanka) said that the military forces had already returned some lands to their owners in the north and east of the country, and were also winding down business activities. The Government had continuously provided microfinance to women in rural areas in order to support self-employment with a view to promoting their economic independence and contributing to poverty alleviation. The Sri Lanka Women's Bureau was a key contributor to microcredit programmes to promote entrepreneurship among women. The Central Bank had provided 15.9 million rupees in microcredit, and every bank had a microcredit scheme for women. In the Northern Province, women's committees operated revolving funds to support the self-employment activities of the poorest women. As the main barrier to women's employment was the need to look after children, the Government had decided to increase the number of day-care facilities, particularly in the hill country for the benefit of women in the plantation sector. There were plans to build 600 day-care centres to enable women to engage in economic activities. The Government was also taking steps to mainstream the gender perspective in the tourism industry.

29. **Ms. Gunasekera** (Sri Lanka) said that replies to some of the questions would be provided in writing. There was no gender wage gap in the State sector, but the Government acknowledged that such a gap might exist in the informal sector, which was unregulated and difficult to address. Despite improvements in recent years, the gap between men's and women's rates of participation in the labour force persisted. The fact that home-based economic activities and self-employment were not counted as employment posed a challenge in terms of data collection on women's work.

30. **Ms. Jinasena** (Sri Lanka) said that, because Sri Lanka was a multi-ethnic and multi-religious country, views differed on the issue of pregnancy termination, and dialogue on the subject with religious leaders was therefore important. Following consultations with medical and other experts, the committee on the decriminalization of abortion had recommended the adoption of a procedure under which, when a woman requested an abortion, there would be a judicial inquiry to determine whether one of the three criteria for medical termination was met. Upon obtaining a judicial certificate to that effect, the woman could have a medical termination at a government hospital providing such services or at a private medical facility. The committee's recommendation would be discussed during the dialogue.

31. The 2005 policy on sexual harassment in the workplace applied to all institutions in the State sector. There had been convictions for sexual harassment; for example, a teacher

had filed a sexual harassment complaint against a fellow teacher and the school principal, and the court had found in her favour in 2016.

32. **Ms. Nwankwo** said that the State party was to be commended on the policy initiatives it had recently put in place to address the pressing needs of war-affected women, such as the national action plan for women heads of household. However, it was not clear whether women whose husbands were in detention or missing, had a disability, or did not make any contribution to the household were considered female heads of household. Was there a clear and inclusive categorization of female heads of household that would be used uniformly in welfare and resettlement policies and programmes? Did the Government maintain a disaggregated database on female heads of household that reflected the heterogeneity within the group? Noting that funding for programmes for female heads of household was reportedly inadequate and their implementation was problematic, particularly because of inadequate communication about the programmes and abuse of power in their administration at the village level, she enquired how the Government was addressing those issues.

33. The Committee was concerned that women were more vulnerable to the impact of owner-driven housing programmes, which had exacerbated the indebtedness of many households, and that they tended to be exploited by private financial companies. She wished to know whether the qualifications for bank loans and other forms of credit from government and private institutions were the same for women and men, and whether women needed the consent of their husband or another man to obtain credit. Was a complaint mechanism available to women who considered that they had been treated unfairly, and was the Government planning to introduce low-interest or interest-free credit schemes for women heads of households and families living in poverty? She asked whether there was a well-coordinated system for reissuing vital documents such as birth certificates and land records to women who had lost them during the war; whether there were plans to amend the Land Development Ordinance, which restricted women's inheritance rights; and whether the Government would consider incorporating economic and social rights into the new Constitution to create a social security system for war-affected women.

34. **Ms. Gabr** said that the State party was to be commended on the progress made in recent years. She wished to know which body would be responsible for implementing, evaluating and monitoring the investment in women's rural economic development approved by the Cabinet in 2016, and what impact that investment was expected to have on the quality of social services for women in rural areas. She asked for clarification of the status of the Land Development Ordinance and how women's inheritance rights would be affected. She wondered whether the State party would consider introducing temporary special measures to enhance women's participation in trade unions and farming and fishing associations, particularly in leadership roles, in line with the Committee's general recommendation No. 5. What was being done to support women working in the fisheries sector, who faced difficult conditions and high levels of drug addiction, and to improve the working conditions of women in the plantations, including addressing the gender pay gap and problems in relation to maternity leave? How was the Convention on the Rights of Persons with Disabilities implemented in relation to women with disabilities, particularly in rural areas? What was being done to address the lack of economic opportunities and political space for women belonging to ethnic minorities?

35. **Ms. Senarathne** (Sri Lanka) said that, in an effort to increase women's participation in the labour force, some 20 million rupees had been allocated for the establishment of day-care centres in workplaces, and approximately 450 caregivers were being trained. Women's unemployment had decreased as more women were recruited in the government sector. More women were also undertaking non-traditional vocational training and entrepreneurial development activities. The Government had initiated a shift towards value-added industries to create more skill-intensive employment opportunities for women. The definition of female heads of household was very broad and included war widows, who accounted for almost half of the total, as well as married, separated, divorced and single women. Two schemes had been introduced to facilitate women's access to loans. The first was a system of group guarantees, whereby five women could act as guarantors for each other; such guarantees were accepted under the housing loan scheme for female-headed

households. The second was the Samurdhi Banks, which allowed poor women to open bank accounts that served as the guarantee for loans.

36. **Ms. Manatunga** (Sri Lanka) said that the report of the Consultation Task Force contained specific recommendations for safeguarding the rights of women, particularly those affected by the conflict. The process of amending the discriminatory provisions of the Land Development Ordinance, as recommended by the Committee in 2011, had been lengthier than initially expected but had finally been completed; the amendments had been sent to the Legal Draftsman's Department for clearance.

37. **Ms. Patten** said that the Committee had received contradictory information in relation to the land occupied by the military. According to alternative sources, some 84 families were protesting against the air force to get their land back, and there were more than 30 camps where internally displaced persons were waiting for their land to be returned. She would therefore like precise information on the progress achieved in stepping up the release of the remaining land, and whether the Government planned to conduct a proper mapping exercise covering all the land currently occupied by military forces. She asked whether the new plan of action for the plantation community was being implemented with sufficient resources and the participation of women. Noting that there were plans to build 50,000 houses in the next five years and issue title deeds for ownership, she wondered whether any special provision would be made for widows and female heads of household.

38. **Ms. Nwankwo** said that she would like to know how the Government was assisting women in the fishing and food production industries, especially with respect to credit.

39. **Ms. Senarathne** (Sri Lanka) said that, in the light of the major issues in the plantation sector, the Government had established the Ministry of Hill Country New Villages, Infrastructure and Community Development. The new Ministry had drawn up a five-year action plan for the plantation sector, which included domestic violence provisions to which the Ministry of Women and Child Affairs had contributed. Women's Development Officers were deployed in plantation areas to help women obtain government services. As many families did not have marriage certificates or birth certificates for their children, an inter-agency mobile service had been set up to travel to the most affected areas and register births and marriages.

40. **Mr. Aryasinha** (Sri Lanka) said that the military forces continued to identify the State and private lands to be released in order to support resettlement in the north and east, and 14 billion rupees had been allocated to develop infrastructure in conflict-affected areas in those regions. The Government provided financial support to civilians who returned to live on their land.

Articles 15 and 16

41. **Ms. Halperin-Kaddari** said that the Muslim Personal Law, which exclusively and compulsorily applied to 10 per cent of the population, contained many problematic discriminatory provisions. It provided for different grounds for divorce for men and women, did not set a minimum age for marriage, permitted polygamy for men, and excluded women from Quazi courts. The Committee was encouraged by the news that the committee established in 2009 to consider the matter had finally submitted its report in 2016, but past experience showed that the Government tended to frame the Muslim Marriage and Divorce Act as a cultural issue to be resolved internally by the Muslim community, rather than as a human and women's rights issue for which the State was responsible. Since the delay in the committee's submission of its report had been caused by conservatives wishing to maintain the status quo, she asked what assurances could be given that the impasse would not continue. She wondered why more women had not been included in the process and whether the State party would consider following the example of other countries that had managed to reconcile sharia law with women's rights. She would like to know the timeline for the adoption of the committee's recommendations, including the clear criminalization of marital rape. She also wished to know when the proposed amendments to the Land Development Ordinance would be adopted. She asked whether the Government was considering an amendment to the Marriage Registration Ordinance to ensure that Muslims could opt out of the Muslim Personal Law and be registered under the general law. Even

within the existing plural legal regime, it should be possible to lift the requirement that a woman must obtain her husband's approval before filing proceedings to claim her land rights, and to redefine the area of property rights to ensure that it came under general civil and contract law, rather than religious law.

42. **Ms. Manatunga** (Sri Lanka) said that the Government was mindful of the concerns about discriminatory provisions in all the personal laws. The issue of early marriage was under discussion among all stakeholders, including members of the Muslim community, which comprised 9.3 per cent of the population. Given the diverse ethnic and religious tapestry of Sri Lankan society, it was important that the views of all communities, including women, should be taken into account. The committee established in 2009 to propose reforms to Muslim law had included female members of the Muslim community. The committee had reviewed issues such as the setting of a minimum legal age of marriage, gender mainstreaming in the appointment of judges and adequate compensation following divorce. To support that process, a Cabinet subcommittee had been appointed in October 2016 to review the proposed amendments to the Muslim Marriage and Divorce Act. Meanwhile, the Ministry of Women and Child Affairs was conducting consultations and workshops with the Muslim and other communities and civil society organizations to raise awareness and advocate change. The increase in the age of compulsory education from 14 to 16 was expected to help reduce early marriage by encouraging girls to continue their education. With regard to the Land Development Ordinance, land was within the purview of the Provincial Councils, and the central Government must obtain their concurrence for the proposed amendments.

43. **Ms. Halperin-Kaddari** said that the Committee needed clear assurances and concrete details and timelines; it seemed that the Government was aware of the problematic situation, yet nothing had changed.

44. **Ms. Senarathne** (Sri Lanka) said that answers to the outstanding issues would be provided in writing. She thanked the Committee for the very useful dialogue, which had highlighted the areas in which her country's efforts might be falling short. The Committee members' observations and recommendations would be given careful consideration. Despite the challenges it faced, Sri Lanka was making progress in meeting its obligations under the Convention.

45. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.55 p.m.

United Nations CEDAW/C/SR.1486

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 March 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1486th meeting
Held at the Palais des Nations, Geneva, on Thursday, 23 February 2017, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Rwanda

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Rwanda (CEDAW/C/RWA/7-9; CEDAW/C/RWA/Q/7-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Rwanda took places at the Committee table.*

2. **Ms. Nyirasafari** (Rwanda), introducing the State party's combined seventh to ninth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/RWA/7-9), said that the principle of equality was one of the fundamental principles enshrined in the Constitution of Rwanda. The Government's commitment to building a society based on the rule of law, pluralism and gender equality had been reflected in the constitutional amendments made in 2015. In addition, a 30 per cent gender quota for decision-making roles had been introduced and gender-based discrimination prohibited. The Government was committed to upholding the fundamental rights established in the Convention and had pledged to support women and girls in the full enjoyment of their fundamental rights, promote women's participation in the sustainable development of their society and prevent all forms of gender-based violence. Rwanda recognized the important role played by women in all areas of society and in the socioeconomic development of the country. Moreover, President Paul Kagame was among the 10 Heads of State to become a champion of gender equality under the "HeForShe" initiative of UN-Women.

3. A number of legislative measures had been implemented in the years since the consideration of the country's previous periodic report. A series of domestic laws had been enacted to prevent, prohibit and prosecute discrimination on the basis of gender in all spheres of life. In addition, laws on the status of individuals and the family, and on matrimonial property, gifts and succession rights, had been passed in 2016. Under the Constitution, as amended in 2015, only the Constitution itself and organic laws provided for under the Constitution took precedence over international conventions ratified by Rwanda.

4. Turning to the national machinery for the promotion of women, she said that an institutional framework for gender issues had been established with responsibility for coordinating and implementing all measures aimed at helping families and, in particular, women. That framework comprised: the Ministry of Gender and Family Promotion, which was charged with formulating, coordinating and disseminating gender policy; the National Women's Council, a grass-roots forum advocating for gender equality and women's rights, encouraging women's participation in development activities and providing women with capacity-building and training opportunities; the Gender Monitoring Office, tasked with performing follow-up and evaluation of gender policy, ensuring that gender mainstreaming was integrated into all areas of national life and monitoring the implementation of regional and international conventions ratified by Rwanda; and, lastly, a national technical working group on gender, which comprised representatives from State agencies, NGOs and the private sector and was aimed at supporting measures to promote gender equality.

5. Twelve years of free, compulsory education was provided in order to ensure that girls and boys completed primary and secondary school. In addition, new schools, classrooms and girls-only sanitation facilities had been built and school meals provided. Scholarships had also been awarded to top female students to encourage them to enter higher education. The Government had furthermore pledged to triple the number of girls enrolled in vocational and technical training. Indeed, women's enrolment rate in vocational and technical training had increased from 21 per cent in 2007 to 41.8 per cent in 2015. Nine vocational training centres had been created and equipped for the purposes of training women and girls, and women graduates received support for running cooperatives and were provided with access to basic tools and credit.

6. With a view to changing attitudes and challenging stereotypes about the roles of men and women, several policies and strategies had been implemented by the Government

aimed at raising awareness of issues relating to gender equality, including the National Gender Policy and National Policy against Gender-based Violence. The Government had also set up a network of gender violence and health centres, known as Isange "one-stop" centres, which were based in district hospitals and provided medical services, psychosocial support and legal aid to victims. There were plans to build another 17 such centres in addition to the 28 already in operation. Amendments to the Criminal Code and to a law on preventing gender-based violence were under consideration, and an anti-trafficking bill was in the pipeline. In that regard, a study was planned to identify the true scale and underlying causes of trafficking in persons, which would guide government strategies and activities with a view to eradicating it.

7. Following the adoption of a national policy to promote women's participation in decision-making roles and the introduction of a gender quota for members of Parliament, women now occupied 64 per cent of seats in the Chamber of Deputies and represented 41 per cent of the Cabinet of Ministers, 46 per cent of the judiciary and 50 per cent of provincial governors. The National Women's Council also organized relevant training as a means of encouraging women candidates to stand in parliamentary elections.

8. In the area of employment, legislation had been enacted in 2016 to provide women with three months' paid maternity leave. The proportion of women employed in non-agricultural work had increased noticeably since 2000, and more than a quarter of registered companies were owned by women. Steps had also been taken to increase women's financial independence and participation in economic life. By way of example, thanks to a national employment strategy women had the opportunity to learn a trade and start income-generation projects. An organic law governing land management introduced in 2013 granted women the same land rights as men and facilitated women's access to credit.

9. Many challenges were still to be overcome in Rwanda, not least the persistent negative cultural and patriarchal attitudes that hindered women's full participation in socioeconomic life and women's low level of skills and employability, which limited their employment opportunities and prevented them from occupying decision-making roles. The Government was facing those challenges head-on, however, by introducing educational programmes and awareness-raising campaigns aimed at men with a view to inspiring them to become agents of change, encouraging girls to learn a trade or undertake training in science and technology and strengthening and expanding training for women to enable them to develop and manage income-generating projects.

Articles 1 to 6

10. **Ms. Patten**, commending the State party for its adoption of recent laws improving the status of women in areas such as the family, matrimony and succession rights, said that she wished to know what action, if any, had been taken or was envisaged to amend or repeal the country's remaining discriminatory laws. She was concerned that some national laws, including ones that were discriminatory in nature, took precedence over the Convention. It would be useful to have an account of the article of the Constitution that stipulated the order of priority of laws, including international agreements such as the Convention. She wished to know whether that article applied to all international treaties to which Rwanda was a party and whether there had been any cases in which the courts had had to rule on a conflict between the domestic legislation and the Convention.

11. She asked how many cases of discrimination had been prosecuted and convictions obtained under the Criminal Code since 2012. She also would like to know whether the Constitution contained an explicit definition of discrimination against women, including direct and indirect discrimination, in line with article 1 of the Convention, and, if not, how the judiciary was interpreting cases of discrimination against women. It would also be useful to have data on the number of cases of discrimination that had been filed by women complainants. In that connection, she also wished to know whether there were plans to review the legal aid policy, in particular to broaden the eligibility criteria for legal aid and reduce legal costs for women on low incomes.

12. She would like to know whether there were plans to implement a second national action plan on the implementation of United Nations Security Council resolution 1325

(2000) on women and peace and security, since the first had expired in 2012, and, if so, whether technical assistance had been sought in that regard. Lastly, recalling the most recent concluding observations of the Human Rights Committee (CCPR/C/RWA/CO/4) and the findings of a 2010 United Nations mapping exercise documenting the most serious violations of human rights and international law committed within the territory of the Democratic Republic of the Congo, she wished to know what measures had been taken by the Government to investigate all allegations of human rights violations reportedly committed by the Rwandan Patriotic Front in 1994.

13. **Ms. Nyirasafari** (Rwanda) said that, following the enactment of new laws establishing equality in areas such as the family, matrimony and succession rights, no discriminatory provisions remained in the legislation governing the family. As to the hierarchy of laws under the legal system of Rwanda, the organic laws established under the Constitution were considered to be on an equal footing with the Constitution itself and, as such, took precedence over all international conventions to which Rwanda was a party. A definition of discrimination existed and all forms of discrimination, whether direct or indirect, were prohibited under the Constitution and punishable under article 136 of the Criminal Code. A number of cases had come before the courts and penalties had been imposed for acts of discrimination, including on the basis of ethnicity and gender. Women and men had the same right of access to justice, without any discrimination. Legal aid was available to anyone who did not otherwise have the means to pay for a lawyer, and women and children were given priority in terms of access to legal assistance.

14. The Government rejected allegations that Rwandan forces had committed offences in the Democratic Republic of the Congo. There had, however, been prosecutions for isolated cases in which soldiers had been accused of committing human rights violations after the genocide.

15. **Ms. Patten** said that, notwithstanding the various legislative measures introduced, discriminatory provisions remained. For example, under the Criminal Code, more lenient penalties were applied to marital rape than to other forms of rape. She wished to know whether a review of all legislation had been conducted to ensure that it conformed with the Convention, especially in view of the precedence given to constitutional provisions over the Convention, and whether gender-impact assessments had been carried out to pinpoint any legal provisions that were directly or indirectly discriminatory. It would also be helpful to see the text of the constitutional provision that contained a definition of discrimination against women. In that connection, she asked how many cases of gender-based discrimination had so far been brought in the State party and whether the Convention could be invoked by the courts. As to legal aid, the Committee had received reports that it was only available to the poor, people with disabilities or children. If that was the case, were there any plans to review the legal aid policy? Regarding refugees, she wondered what measures had been taken to prevent violence against women in refugee camps, including by enhancing the presence of law enforcement officers, particularly women officers, who had been trained to deal with victims of sexual violence.

16. **Ms. Nyirasafari** (Rwanda) said that the Criminal Code was still in the process of being reviewed, including in relation to provisions on gender-based discrimination and on marital rape. A number of proposals had been put forward, and civil society organizations and other stakeholders had also been consulted. Her Government had made an assessment of the laws that were thought to contain discriminatory aspects had been drawn up with a view to amending or repealing them, including laws governing personal rights and the family, which were no longer discriminatory in nature. The Gender Monitoring Office was tasked with carrying out gender impact assessments which were used as the basis for developing or modifying policies.

17. The Convention formed part of the country's legal framework and, thus, could be invoked during court proceedings. The legal aid policy aimed to help the most vulnerable sections of society to have access to justice. It therefore covered people living in poverty, of which there were more women than men.

18. A great deal had been done to help and protect refugees, and a policy was being drafted to take into account the gender dimension in situations in which there were large

refugee flows. Awareness-raising campaigns were conducted for refugees regarding gender-based violence and a hotline had been set up to enable victims to report incidents. The camps were also regularly visited by the local authorities, which had not found a high incidence of violence against women. Nevertheless, a health centre had been established in one camp where there were plans to establish a one-stop centre for victims of gender-based violence.

19. **Ms. Gabr** said that she wished to commend the State party for the progress it had made in recent years in the area of women's rights, in particular regarding women's participation in political life. She asked how the periodic report had been drafted and to what extent civil society organizations had been involved in that process, whether the report had been presented to the Cabinet of Ministers and how the State party planned to follow up on the Committee's forthcoming concluding observations. She would welcome information on how the activities of the national machinery for the advancement of women that was referred to in the opening statement were harmonized and coordinated. She would also be interested to know who bore overall responsibility for ensuring that the Convention and the Committee's general recommendations were implemented. In a similar vein, she wondered who was responsible for developing plans and strategies aimed at overcoming the challenges the country still faced. Lastly, referring to the national technical working group on gender, which worked with civil society and NGOs, she asked whether government ministries and members of Parliament also formed part of or worked with that working group.

20. **Ms. Bethel**, referring to article 4 of the Convention and the Committee's general recommendation No. 25 on temporary special measures, said that she was pleased that the gender quotas to increase women's representation in the parliament and in decision-making posts had been successful. There were now high expectations for what the State party could achieve in other areas. She was concerned, however, that women remained underrepresented in local public administration and in senior management in the private sector. She wished to know what special measures had been introduced by women members of Parliament, in particular to ensure that vulnerable groups of women were able to overcome barriers to equality, such as illiteracy. She asked what temporary special measures had been taken or were envisaged to increase women's representation in decision-making bodies at the local level, eliminate the disadvantages faced by vulnerable groups of women, such as rural women, widows, conflict-affected women and girls and women with disabilities, and strengthen women's participation in economic life. She also wished to know what progress had been made in ensuring that women from historically marginalized groups, such as the Batwa community, were able to exercise their rights, whether any temporary special measures other than legislative initiatives had been used to boost women's representation in the private sector and academia and how efforts to increase the participation of girls in science, technology and vocational subjects were being monitored and assessed.

21. **Ms. Umurungi** (Rwanda) said that periodic reports were drafted by the Ministry of Gender and Family Promotion. A task force overseen by the Ministry of Justice comprising representatives of State institutions and civil society organizations oversaw the process and held meetings to discuss and evaluate the content of the draft report. At the final stage of the process, the report was sent to the Cabinet of Ministers for approval before being submitted for consideration of the treaty body in question.

22. **Ms. Nyirasafari** (Rwanda) said that the Committee's forthcoming concluding observations would be shared with all stakeholders and widely disseminated, including to the public. The Ministry of Gender and Family Promotion was responsible for formulating and coordinating the gender policies that were carried out and monitored by the various entities of the machinery for the advancement of women and for proposing new legislation. The Women Parliamentarians Forum was also a key partner in that process.

23. The Government was aware that women's representation remained low at the local level, and awareness-raising activities were being undertaken in conjunction with the gender machinery and with civil society with a view to encouraging more women to run for local public office. Breaking through long-standing cultural barriers and improving the education of women and girls were key to the achievement of that goal. For that reason, the

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Government had emphasized the need to recruit men as agents of change as well as to inspire women and girls to enrol in vocational and higher education. As to vulnerable groups of women, including those with disabilities or living in rural areas, they were encouraged to join local cooperatives and to take on leadership roles. The "Vision 2020 Umurenge" programme also offered employment services for rural women and access to interest-free credit, thereby enabling women to start their own income-generation projects.

24. Admittedly, women remained underrepresented in the private sector. However, measures were being taken and a related strategy, which integrated a gender perspective, was being devised. It was hoped that, once adopted, it would help more women to enter the business world. Awareness-raising activities were also being undertaken to promote higher and vocational education for girls, and the proportion of girls pursuing a vocational education had noticeably increased.

25. **Ms. Bethel** said that she would be interested to know what specific measures and bills had been put forward by women members of Parliament, in particular with regard to gender equality.

26. **Ms. Nyirasafari** (Rwanda) said that the law on preventing gender-based violence and the legislation regarding paid maternity leave had both originated from the Women Parliamentarians Forum.

27. **Ms. Acar** said that the differences between the punishments imposed for marital rape and other forms of rape under the law sent a poor signal to Rwandan society, which was already influenced by patriarchal values. She would appreciate information on the time frame for the review of laws governing rape and the expected outcomes of any such reviews. Patriarchal attitudes also encouraged acceptance of violence against women, even among young men, and prevented women from reporting it. She asked how the Government encouraged women to report such violence, inclu...ng through campaigns, the media and changes to school curricula, whether the hotline set up to receive complaints of violence operated 24 hours a day, seven days a week and was accessible to all women, including those in rural areas, and what types of calls it received. She would also welcome information on the types of cases addressed by the Isange "one-stop" centres and the support provided to victims there. She asked when a national system that would harmonize the collection of data o gender-based violence would be established, particularly in order to collect information on the relationship between victims and perpetrators, and what gender sensitivity training was provided for professionals who worked with victims.

28. **Ms. Gabr** said that she would welcome information on the bill on trafficking in persons, including who had introduced it and how it was progressing, and on the action plan in place to tackle the phenomenon. There were reports that further efforts were needed in that regard and that Burundians living in refugee camps in the country were particularly vulnerable to exploitation and trafficking. She asked how judicial and law enforcement officials were trained to deal with cases of trafficking. She wished to know whether the Government planned to amend the provisions of the Criminal Code that punished prostitutes and their clients equally and how women who wished to leave prostitution were retrained and helped to reintegrate into society.

29. **Ms. Nyirasafari** (Rwanda) said that the recognition of marital rape in the Criminal Code was an achievement given the objections voiced in some quarters. The fact that it was punished less severely than other forms of rape would be examined as part of the upcoming review of the Code, and patriarchal attitudes within society were being studied. However, those attitudes were not widespread and were now being changed through clubs organized by schools to teach boys about gender equality and respect for the rights of all. There were campaigns and initiatives to encourage women to report marital rape, including discussion of the topic during monthly village meetings, during which men were informed that it was a crime punishable by law. A month-long awareness-raising campaign on the role of women in society was planned for March 2017 and would address gender-based violence.

30. The hotline for victims of gender-based violence was free of charge and open 24 hours a day, seven days a week. Assistance for victims included education services, income-generating projects and housing, although increased financial and other resources were required to improve the work to help them and their families, particularly given that

they were often stigmatized. While the country's different institutions currently collected their own data, a data-collection system that would make that information accessible via a central database was being devised.

31. Professionals who came into direct contact with victims of gender-based violence received training, and staff at the Isange "one-stop" centres, and doctors received training tailored to their roles. The Ministry of Justice legal aid offices (*Maisons d'Accès à la Justice*) employed a staff member responsible for addressing the issue, and there was a specialized gender-based violence department within the public prosecutor's office.

32. The bill on trafficking had been drafted while taking the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, into account given the international nature of the crime. The Gender Monitoring Office was looking closely at the phenomenon, and victims were identified through cooperation between the police, the public prosecutor's office and the Immigration Office, although it was true that few victims had been identified. Burundian refugees were given information on such trafficking, and potential perpetrators were detected thanks to the coordinated efforts of international law enforcement bodies and the Immigration Office.

33. **Mr. Ngarambe** (Rwanda) said that the phenomenon of domestic violence was disappearing thanks to sweeping reforms to women's legal status, which had granted them the right to enter into contracts and ensured that assets were shared equally between spouses and that inheritance was split equally between sons and daughters. Therefore, while women had been afraid to leave violent husbands in the past, because to do so would have led to destitution and the loss of custody of their children, they were now empowered to report violence committed against them and escape it.

34. **Ms. Gabr** said that she did not agree that domestic violence was disappearing; in fact, a third of women in Rwanda had experienced it. Particular attention should therefore be paid to the phenomenon. She asked whether the law that punished women who refused to testify against their husbands would be amended. She wished to know whether the country had received technical assistance from the United Nations or other international bodies in order to reduce trafficking.

35. **Ms. Acar** said that the State's obligation to protect a woman's rights did not cease when she married; therefore, marital rape could not be considered a lesser crime than other forms of rape. Given that crimes against family members were generally seen as aggravated crimes, she asked why rape was an exception. The Criminal Code should therefore be amended, particularly the provision that punished women for failing to testify, which often dissuaded them from reporting marital rape.

36. **Ms. Nyirasafari** (Rwanda) said that a study into the causes of trafficking was planned, and its results would be used to formulate an action plan. The punishment of prostitutes and their clients, and of women who did not testify in cases of marital rape, should be examined as part of the review of the Criminal Code.

Articles 7 to 9

37. **Ms. Bethel** said that she would welcome information on women's leadership and representation in trade unions, chambers of commerce, boards of public and private companies, employers' organizations, agriculture cooperatives and professional associations and on the social and cultural impediments to women's representation and the measures to increase it in those areas. The Committee had received reports that women with disabilities did not benefit from specific measures to increase their representation in public and political life, and she asked what temporary special measures had been adopted to integrate women from vulnerable groups into public and political life at the national and local levels.

38. She invited the delegation to provide details of the gender mainstreaming strategies in place in local government and the private sector to increase women's participation, including how those strategies were sustained, and of the deadlines and mechanisms in place to monitor and assess their implementation. Lastly, she wished to know what

education and training opportunities were open to women to enable them to develop their careers in the foreign service and in regional and international bodies.

39. **Ms. Nyirasafari** (Rwanda) said that one seat in Parliament was reserved for persons with disabilities, and a woman could be elected to that position. The Constitution provided for a minimum quota for women in decision-making roles and in the foreign service which must be respected by appointing authorities. That quota was monitored by the Gender Monitoring Office and the National Commission for Human Rights.

40. **Ms. Bethel** said that she would welcome information on the measures adopted to promote the representation of all vulnerable women, not only those with disabilities.

41. **Ms. Umurungi** (Rwanda) said that while there were no specific measures for women with disabilities, they benefited from measures to protect vulnerable women in general. Female members of Rwandan peacekeeping forces deployed overseas were trained in gender-based violence in accordance with the Kigali Declaration on Peace, Gender and Development.

42. **Mr. Ngarambe** (Rwanda) said that a large number of Rwandan ambassadors were women. The authorities that appointed ambassadors and diplomats, who were drawn principally from the civil service, endeavoured to maintain a gender balance. Positive discrimination measures for women's recruitment to the civil service meant that there was a good number of female candidates for diplomatic roles. Once women were accepted to the civil service, they were afforded the same development opportunities as their male colleagues.

Articles 10 to 14

43. **Ms. Gbedemah** said that, while the State party's commitment to improving girls' education was commendable, their educational performance remained below desirable levels, with, for example, many dropping out as a result of pregnancy. Noting that measures had been adopted to punish the men responsible for pregnancies among girls, she would welcome information on the profile and number of victims, perpetrators and convictions. It was not clear whether guidelines on sexual harassment in schools had been established and how the outcomes of the current study on gender-based violence in schools would be used to prevent the phenomenon. Furthermore, she wished to know why girls who had children were required to wait one year after giving birth before resuming their education; they should be permitted to return to school as soon as they were ready to do so.

44. The number of female teachers had not risen sufficiently, and the measures listed in the State party's replies to the list of issues failed to address the problem specifically. Although it was commendable that the number of female students attending private higher education institutions had increased, those institutions were normally more expensive than their public counterparts. She asked whether the implications of those higher costs had been studied.

45. She invited the delegation to provide specific figures relating to the increase in technical and professional training, in addition to the percentages already provided, and information on the take-up rate among women and the subjects that they studied. She would also welcome information on the number of girls receiving an education in refugee camps, whether sex education and peace education was provided there and what measures were in place to ensure that refugee girls could go on to secondary education establishments outside the camps. Lastly, in the light of statistics suggesting that girls with disabilities were disadvantaged in the State party, she asked what measures were in place to ensure that inclusive education was incorporated throughout teacher training and whether the girls' education policy cited in the report contained provisions for girls with disabilities.

46. **Ms. Arocha Domínguez** said that analysis of the information provided in the periodic report suggested that women were overrepresented in low-paid jobs that required few qualifications and in the informal sector. She would welcome updated data on how women's representation in different areas of employment had changed since the submission of the report.

47. She asked what qualitative improvements to women's employment had been seen since the adoption of law No. 13/2009, particularly with regard to female domestic workers, many of whom were aged under 16 and vulnerable to exploitation and sexual abuse. She wished to know what special measures had been adopted in response to the recommendation of the Committee on the Rights of the Child in that regard and how rights violations in the domestic work sector were detected.

48. She asked how many complaints relating to employment matters had been lodged by women with the Office of the Ombudsman. The Committee had been informed of concerns surrounding the inclusion of vulnerable women in the labour market, for example former female combatants. She asked whether there were specific programmes to train those women and to take advantage of their skills and how the Government prevented them from stigmatization and discrimination. She asked what employment opportunities were available for Twa women, female refugees and asylum seekers and how the National Employment Programme "Free Market" initiative referred to in the replies to the list of issues (CEDAW/C/TWA/Q/7-9/Add.1, para. 66) had improved the lives of women street vendors.

49. **Ms. Chalal** said that, despite progress in the area of health, the Committee remained concerned by the country's legislation on abortion, which was legal only in cases of rape, forced marriage, incest and when the life of the woman or child was at risk. Additionally, even women who fell within those categories faced administrative and cultural barriers when attempting to exercise their right to abortion. She asked whether the State party planned to remove the requirement for two doctors to agree that an abortion was necessary when the health of the woman or child was at risk, for a judge to permit abortion in cases of rape, forced marriage and incest and for women to report rape within 72 hours if they wished to access abortion services. The Committee had been informed that a quarter of the women in prison were there because they had undergone illegal abortions, and she asked whether they would be pardoned and released. She wished to know how the public's awareness of their rights to abortion had been raised, including among medical professionals, and whether the review of the Criminal Code would include the provisions on abortion.

50. There were very high rates of early pregnancy in refugee camps, and she wished to know whether programmes on sexual and reproductive health, including programmes to prevent HIV/AIDS and sexually transmitted infections, and health-care facilities staffed by qualified personnel were available in the camps. She asked what measures were planned to improve access to health services for women and older persons in rural areas and whether there were specific health programmes for Twa women and girls living in those areas, who often suffered discrimination.

51. She wished to know whether mental health-care units existed throughout the country, and she invited the delegation to provide data on the mental health cases that they treated, disaggregated by sex. It would also be interesting to learn whether specialized care and information on family planning were provided to women and girls with disabilities, particularly in rural areas. She would appreciate information on the causes of the high rate of cervical cancer in the country and efforts to ensure that it was diagnosed at an early stage. Lastly, she would welcome information on the measures introduced through the law on reproductive health promulgated in 2016.

52. **Ms. Nyirasafari** (Rwanda) said that girls' achievement at primary and secondary education was improving, and they obtained better examination results than boys at the secondary level. Dropout rates among girls were addressed by educating families on the importance of sending children of both sexes to school, building extra classrooms and providing sanitation facilities for girls. The men responsible for early pregnancies were normally known to their victims. The year-long period that school-age mothers must wait before re-entering education was intended to allow them to recover from the birth. Nevertheless, that provision should be reviewed. The low numbers of women in leadership positions in the education sector were owing to the fact that university studies were a prerequisite for such roles; it was hoped that, as increasing numbers of women attended university, more female candidates would apply. While children with serious disabilities

were educated in specialist schools, those with more minor disabilities could study in the mainstream education system.

53. Campaigns on a range of matters, including peace and sexual health, were organized in refugee camps. One of the camps benefited from a health centre where women could access reproductive health-care and other services. Although it was true that many women were in low-paid employment, there were also many who occupied important positions. Girls under the age of 18 were prohibited from being employed in paid domestic work and the Ministry of Public Service and Labour was examining how the sector could be regulated.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1487th meeting
Held at the Palais des Nations, Geneva, on Thursday, 23 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Rwanda (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Rwanda (*continued*)
(CEDAW/C/RWA/7-9; CEDAW/C/RWA/Q/7-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Rwanda took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Nyirasafari** (Rwanda) said that statistics on sexual harassment in the workplace from the 2016 report of the National Institute of Statistics would be made available to the Committee. A gender-based information management system was being put in place in collaboration with UN-Women, the World Bank and other partners, which would enable the Government to compile better statistics on gender-based violence, harassment and other matters raised by the Committee. With regard to the reintegration and employment of women ex-combatants, when they returned to the country they first passed through a centre where they received information on programmes and policies in various sectors and were assisted in developing projects that would enable them to earn a living after leaving the centre. They also received financial and material support for their projects and, where necessary, assistance in finding housing. A gender needs assessment recently commissioned by the Ministry of Disaster Management and Refugees and the Ministry of Gender and Family Promotion would provide more information on what needed to be done to support women refugees and ex-combatants.

3. As for the lack of employment for Batwa women, they were part of the general population and were included in all support programmes for women. There were not any specific programmes for Batwa women. Under the National Employment Programme, a market had been constructed in Kigali to provide a place where women street vendors could set up and build their businesses. Each woman received a subsidy of about 5,000 Rwanda francs for that purpose. Three additional markets would be constructed in 2017.

4. There were four grounds on which termination of pregnancy was permitted as a Committee member had pointed out at the previous meeting. Some women had been imprisoned for having abortions in circumstances that did not meet one of the four conditions established under the Criminal Code. Recently, however, 62 of those women had received presidential pardons. The issue was being discussed within the framework of the Criminal Code reform currently under way, and the Government was in the process of analysing all the related issues. At the same time, it was conducting awareness-raising campaigns with a view to ensuring that women and girls knew how to prevent unwanted pregnancies and was working to expand the availability of reproductive health services. Health centres had been constructed in order to ensure that pregnant women would not have to walk more than five kilometres to receive care, and more centres would be constructed in the future in order to improve access to health services for women and for the population in general. Pregnant women could also use a toll-free telephone line to summon an ambulance to transport them to a health centre. A vaccination programme for girls 12 years of age was expected to reduce cervical cancer rates.

5. **Ms. Umurungi** (Rwanda) said that the main components of the reproductive health law were: safe motherhood; newborn care; family planning; prevention and treatment of sexually transmitted infections, including HIV; prevention and treatment of infertility; prevention of gender-based violence; and awareness-raising measures aimed at changing attitudes. Not only pregnant women but also their husbands were tested for HIV with aim of preventing mother-to-child transmission of the infection.

6. **Ms. Acosta Vargas** said that, although the State party had made substantial progress with regard to key economic rights of women, women continued to experience high rates of unemployment and to find it difficult to achieve economic autonomy. She would like to know what was being done to facilitate access to bank loans and revolving funds for women, what sectors of the economy women generally invested in when they received

loans and whether they received economic advisory services aimed at ensuring the sustainability of their businesses. She also wished to know what loan guarantees were available to women and what amount of credit they could obtain, and she would welcome the delegation's views on whether the programmes currently in place were in fact contributing to women's economic autonomy. In addition, she would like information on the situation in the State party with regard to childcare and sharing of domestic work between women and men. Were there any shared childcare arrangements or other measures at the community level to facilitate women's participation in economic life? What measures were envisaged under the Vision 2020 Umurenge programme to promote economic development and reduce poverty among women and what were the main lines of action under the national decentralization policy aimed at enabling women to achieve the same level of economic participation as men? Lastly, she was aware that the State party had made a high-level political commitment to achieving the Sustainable Development Goals, and she wondered whether that commitment incorporated a gender perspective in all its dimensions.

7. **Ms. Gabr**, noting that information received by the Committee indicated that almost 79 per cent of economically active women were engaged in agriculture-related activities, said that she would like to know to what extent those women performed unpaid, low-paid or informal work and what plans, programmes or strategies were in place to protect them. She also wished to know whether pensions were available to rural women who were divorced or widowed and how such women obtained health and other basic social services. She would welcome statistics on land ownership among women. She would also appreciate clarification of the situation with regard to inheritance of land by women and women's access to agricultural technology, which appeared to be limited.

8. The Committee had also received information indicating that rural women were disadvantaged in comparison with their urban counterparts and that significant numbers of them were illiterate. She would like to know what steps the State party was taking to tackle those problems and, in general, to implement the Committee's general recommendation No. 34 (2016) on the rights of rural women. She applauded the State party's One Cow per Poor Family programme, although men appeared to be benefiting from it to a greater extent than women. She wondered whether the State party had assessed the impact of the programme and, if so, whether it had proved successful in improving the lot of poor families.

9. She understood that ethnicity was a sensitive issue for the State party, but the fact remained that there were groups that had traditionally been marginalized. She would like to know what was being done to protect such groups, especially women from the Batwa community. In particular, she would like information on measures to reduce illiteracy and unemployment among Batwa women. She welcomed the State party's ratification of the Convention relating to the Status of Refugees, but noted that it continued to maintain its reservation concerning the right to determine refugees' place of residence and to establish limits on their freedom of movement. She wondered whether it intended to withdraw that reservation. She commended the State party's acceptance of a significant number of refugees. She would like to know, however, how the State party protected women refugees from exploitation. Lastly, she wished to know what steps the State party was taking to ensure that the rights of older women were protected, in keeping with the Committee's general recommendation No. 27.

10. **Ms. Nyirasafari** (Rwanda) said that the National Employment Programme provided funding for projects launched by women and young people. In each sector there were project advisers who assisted women and youths in developing projects. A guarantee fund provided microfinancing to enable women to carry out their projects or start a business. Individual women were able to obtain up to 3 million Rwanda francs. Cooperatives were entitled to larger amounts. The Government had provided for childcare services that operated at the local level. Any woman with children under 6 years of age could leave their children at a centre while she was at work. The centres taught children about hygiene, how to get along with others and other topics and also offered programmes for parents on hygiene, diet and nutrition and related subjects. The programme was expected to help more women take up paid employment. The Government was also working to change attitudes

among men and encourage them to take on a greater share of household chores in order to reduce the burden on women.

11. Gender was incorporated in a cross-cutting manner in all national planning documents, plans and programmes, including Vision 2020. All sectoral institutions were required to integrate a gender perspective in their plans. Social services were provided for women in rural areas as they were for the rest of the population. The Vision 2020 Umurenge programme provided for the employment of women who would otherwise be at home in public works, enabling them to earn a wage, and the financing of income-generating activities for poor women.

12. Women who obtained a divorce had the legal right to a share of the marital property in accordance with the law on matrimonial regimes, family gifts and succession. Following the assessment carried out by the Gender Monitoring Office and the campaign to raise awareness of the issue of land registration, the proportion of heads of household who owned land had reached 88 per cent for women and 89 per cent for men. However, some married couples jointly owned their land in accordance with their matrimonial regime. The "One Cow per Poor Family" programme had been successful in improving nutritional standards for families and helping them to earn a certain amount of money from the sale of milk. Batwa women were no more marginalized than other women in Rwanda. They were integrated into society and benefited from the measures taken to enhance the rights of all women.

13. **Ms. Ameline** said that she wished to know whether the State party ensured that women played an equal role in drawing up plans and taking decisions in relation to the digital economy, sustainable development, the provision of health services and solar energy.

14. **Ms. Arocha Domínguez** said that it would be useful if the delegation could provide data disaggregated by gender, region, minority group and other categories in order to give the Committee a clear picture of the situation of Batwa women, former women combatants and other groups.

15. **Ms. Acosta Vargas** said that she wished to know which sectors of the economy women invested in and which institutions provided credit and revolving funds.

16. **Ms. Gabr** said that it was not clear whether one-stop centres for victims of gender-based violence would also be established in rural areas, whether their staff received continuous training and how victims who sought refuge in such centres were reintegrated into society.

17. **Ms. Chalal** said that she wished to know whether one-stop centres were financially independent and whether they would be established around the country. She would welcome further information on the prevalence of early pregnancy in refugee camps.

18. Ms. **Schulz** said that she wished to know what proportion of the women placed in detention had been convicted for acts relating to abortion. Noting that the criminalization of abortion endangered women's lives by forcing them to have clandestine abortions in unsafe conditions, she asked whether the delegation could provide some indication of the direction in which the review of the State party's legislation on abortion was moving.

19. **Ms. Gbedemah** said that she had not yet received an answer to her questions concerning the victims and perpetrators of sexual harassment in schools and whether guidelines on sexual harassment had been circulated. Furthermore, it was still not clear what types of vocational and adult education were provided, which subjects were taught and how many women enrolled on such courses. Gender-disaggregated data on the number of girls and women who studied science and technical subjects at the secondary and tertiary levels had not yet been provided.

20. She wished to know what steps had been taken to increase women's participation in leadership roles in education and whether the State party would consider taking temporary special measures to increase their participation. She asked whether peace education and sexual and reproductive health education were provided in refugee camps and what steps were taken to ensure that girls could continue their education when they left the camps. Lastly, she asked whether the national policy on girls' education covered girls with

disabilities, whether the barriers to education faced by girls with disabilities were being removed, whether teachers received training in inclusive education and whether the right to education of girls with disabilities in rural areas was being upheld.

21. **Ms. Song** said that she wished to know how jointly owned land belonging to a married couple in a rural area would be distributed if that couple decided to divorce.

22. **Ms. Verges** said that she wished to know what social protection measures were in place to safeguard the rights of women working in rural areas and what efforts were being made to increase women's participation in rural affairs.

23. **Ms. Nyirasafari** (Rwanda) said that women were encouraged to study all subjects, including information technology and other subjects previously considered to be more suited to men. The Government was in the process of establishing infrastructure that would enable it to collect and process data related to gender in general and gender-based violence in particular. It was hoped that such data would be available by the time that her delegation submitted its next report.

24. Banks and microfinance institutions established around the country helped women to launch income-generating projects by reviewing or helping to draft business plans. The National Employment Programme, under which a specific budget had been set aside for job creation, helped women to access funding required for their projects. The Ministry of Employment had also established a national programme that aimed to increase employment among women. One-stop centres would be established in rural areas and in each district hospital to ensure that timely support would be provided to victims of gender-based violence. The police investigators, doctors, psychologists, legal advisers and other staff involved in such centres received regular training. As each staff member was paid by the government ministry associated with his or her profession — with doctors being paid by the Ministry of Health and investigators by the Ministry of Justice, for example — one-stop centres could not be said to be financially independent. However, the Government intended to introduce reforms that would enable them to function independently. A national steering committee would address the various problems faced by the centres and draw up recommendations intended to enhance their performance.

25. **Ms. Umurungi** (Rwanda) said that she would check with the Ministry of Disaster Management and Refugee Affairs whether any plans were in place to withdraw the reservation made to article 26 of the Convention. The Government had established the Business Development Fund, which provided women with credit guarantees that made it easier for them to obtain financing from microfinance institutions, cooperative banks and other establishments.

26. **Ms. Batete** (Rwanda) said that, in order to address the discrepancy in the types of subjects studied by boys and girls, the Government had undertaken measures that had increased the percentage of girls who undertook technical and vocational education and training. Aware of the fact that a discrepancy still persisted, the Government had commissioned a nationwide assessment to identify the obstacles that prevented girls from enrolling on courses that led to higher paid jobs. Scholarships, mentoring schemes and other measures had been introduced to encourage more girls to study technical subjects.

27. **Mr. Ngarambe** (Rwanda) said that an increasing number of men and women were benefiting from access to credit and from education and training that enabled them to undertake income-generating activities. Even in the agricultural sector, where credit had traditionally been hard to obtain, similar proportions of men and women submitted applications for credit. The approval rate of credit applications in rural areas had increased significantly — to over 93 per cent for women and 89 per cent for men — owing to intensive campaigns to raise awareness about available credit schemes.

28. **Ms. Nyirasafari** (Rwanda) said that campaigns to raise women's awareness of the problem of sexual harassment and gender-based violence had been carried out in refugee camps. A community police force had been established in the camps, which received complaints from victims of gender-based violence and provided them with information and advice. A pension scheme had been set up that enabled older persons to receive a monthly pension.

Articles 15 and 16

29. **Ms. Nwankwo** said that she commended the Government on the steps that it had taken to put men and women on an equal footing in respect of contract law, land inheritance, land ownership and other legislative areas. However, patriarchal attitudes, cultural practices and discriminatory legal provisions, among other factors, prevented women's rights from being fully realized and implemented. The implementation of land tenure reform had led to an increase in family disputes over land which had a disproportionate impact on women. Some men continued to reject the idea that women could inherit land and be registered on title documents as equal owners. Although women in de facto unions and polygamous marriages made direct and indirect contributions to the purchase and enhancement of a family's land, they were not granted any legal right to it. By contrast, men in de facto unions were able to register land and other assets in their names and were not subject to the same requirements for having legal title to property that applied to married couples. As a result, men sometimes preferred to avoid entering into marriage. Article 39 of Act No. 59/2008 on the Prevention and Punishment of Gender-Based Violence attempted to rectify the problem by allowing unmarried couples to regularize their union so that commonly owned property would be equally distributed. However, women who attempted to invoke the provisions in question in court were obliged to prove that they co-owned the property concerned.

30. In view of the situation described, she asked whether the Government planned to amend legislation on property rights to ensure that women in de facto unions and polygamous marriages had the same legal protection as women in conventional, monogamous marriages. She asked what steps the Government was taking to challenge established customs and practices that prevented women from fully enjoying their rights and to raise the public's awareness of the new family and succession laws, particularly in rural areas and among traditional leaders and local authorities.

31. She asked whether the Government intended to amend the discriminatory provisions which prevented widows, but not widowers, from remarrying until 300 days had elapsed since the death of their spouse. Would the Government also address the fact that couples were not legally required to divide their assets and liabilities equally following divorce or separation? It was still not clear whether any plans were in place to amend the discriminatory provisions of the Family Code as the Committee had recommended in its previous concluding observations (CEDAW/C/RWA/CO/6, para. 42).

32. **Ms. Nyirasafari** (Rwanda) said that awareness-raising campaigns were being carried out to reach the sections of society were still hostile to the idea that men and women enjoyed equal rights to property under the law. The matrimonial regime governing the ownership of property applied only to married couples. The Government had no plans to recognize de facto unions and encouraged persons living in such unions to register them with the authorities. However, unmarried men and women who separated after living together in a consensual union had the opportunity to show the authorities what they had contributed to the purchase of a property that they had acquired together. Children born of de facto unions had the same rights as those born of married parents. The legislation that prevented widows from remarrying until a certain number of days had elapsed had now been abolished.

33. **Ms. Umurungi** (Rwanda) said that the legislation introduced in 2015, in conjunction with the law on matrimonial regimes, established men and women as equal partners in marriage and ensured that their property would be equally divided in the event of divorce.

34. **Ms. Patten**, noting that the requirements placed on national and international NGOs under Act No. 04/2012 and Act No. 05/2012 were onerous, asked whether the Government would consider amending the legislation in question to allow such organizations to operate more freely.

35. **Ms. Gabr** said that she wished to know whether amendments would be made to the Family Code to ensure that the ban on polygamy would be fully implemented in practice.

36. **Ms. Nyirasafari** (Rwanda) said that polygamy was banned under the Criminal Code. There was no need to introduce new legislation on the practice, as it was prohibited under the Constitution as well. Concerning the question raised about non-governmental organizations, it was true that there was a law governing the process of registering NGOs and other not-for-profit organizations currently in force, as the Committee members had noted.

37. **The Chair**, thanking the delegation for the constructive dialogue, which had provided further insight into the situation of women in Rwanda, said that the Committee encouraged the State party to take all necessary measures to carry out the various recommendations that would be issued.

The meeting rose at 4.30 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1488th meeting
Held at the Palais des Nations, Geneva, on Friday, 24 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial to third periodic reports of the Federated States of Micronesia

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial to third periodic reports of the Federated States of Micronesia (CEDAW/C/FSM/1-3; CEDAW/C/FSM/Q/1-3 and Add.1)

1. *At the invitation of the Chair, the delegation of the Federated States of Micronesia took places at the Committee table.*

2. **Ms. Walter** (Federated States of Micronesia), introducing the combined initial to third periodic reports of the Federated States of Micronesia (CEDAW/C/FSM/1-3), said that the Federated States of Micronesia was a small nation of around 100,000 people spread across 607 islands scattered over approximately 1 million square miles of ocean. There were four main island groups forming the four states of the federation. Given such a geographical configuration, efforts to reach out to the population for the purposes of consultation and public education were fraught with tremendous obstacles and challenges. Both commercial air travel and sea transportation were limited and expensive, isolating many of the islands. Although the Government was investing in shipping services, the operating and maintenance costs of such services were high. Thus, the nation's geographic configuration was an important backdrop against which its compliance with its obligations under the Convention should be assessed.

3. The country's traditional communities played an important role in rearing children, protecting all members of society and fostering a spirit of cooperation and respect among the population. The Constitution affirmed the common wish of the people to live together in peace and harmony, preserve the heritage of the past and protect the promise of the future, and also stipulated that the traditions of the people could be protected by statute. The Constitution protected the rights to due process and free speech, prohibited discrimination and provided for women's equal protection under the law.

4. A 2014 family health and safety study had found that approximately one third of the country's women had experienced some form of physical and/or sexual violence in their lifetime, and nearly one fourth had experienced such violence at the hands of a partner in the preceding 12 months. The State of Kosrae had sought to address gender violence by adopting a Family Protection Act. With assistance from its donor and technical partners, the national Government had organized awareness-raising activities on gender-based violence and was encouraging the other three states to adopt similar laws.

5. Although, according to the 2010 census, females lagged behind males at all levels of educational attainment, the Government continued to narrow that gap through efforts to create better outcomes for female students. That process would take time, as certain cultural practices and traditions posed complex challenges to the implementation of the State party's obligations under the Convention. At the same time, more women were earning advanced degrees and becoming involved in decision-making at various levels of government and in the private sector. There were now six female judges and a significant number of female cabinet members at both the national and state levels, in sharp contrast to the situation a decade previously, when there had been no women in those posts. The national gender policy, which was in the process of final review, focused on increasing the representation of women in decision-making positions, eliminating gender-based violence, improving access to education and employment, addressing barriers facing women in the workplace and mainstreaming gender. For the last eight years, the Government had funded biennial conferences on women, at which a variety of gender issues were discussed.

6. Other developments included the introduction of a congressional resolution to remove all of the State party's reservations to the Convention; the adoption of a law on maternity leave; the adoption of a law raising the age of sexual consent from 13 to 18 years in the State of Chuuk; the enactment of strict measures to combat human trafficking; and the ratification in 2016 of the Convention on the Rights of Persons with Disabilities.

7. The issue of climate change, which had major implications for the Federated States of Micronesia and its people, had been integrated into the Government's national strategic

planning. Under a 2013 law, government departments were mandated to formulate plans and policies to implement the Nationwide Integrated Disaster Risk Management and Climate Change Policy and to provide feedback on their results to Congress and the President. Given that women were important stakeholders in that strategy, the Government was taking steps to encourage greater involvement on their part in climate and disaster risk management.

Articles 1 to 6

8. **Ms. Patten** said that she wished to commend the State party for its progress in implementing the Convention, despite all the challenges it faced. One such challenge was the federal structure of the Government and the fact that legislative power was divided between the national Congress and the four state legislatures. In that regard, she drew attention to the Committee's general recommendation No. 28 on core obligations of States parties under article 2 of the Convention, in particular paragraph 39 on accountability, which stated that, in all circumstances, States parties to the Convention remained responsible for ensuring full implementation throughout the territories under their jurisdiction. She asked whether a coordination and monitoring mechanism had been set up to ensure observance of the Convention in respect of all women within the State party's jurisdiction without discrimination; whether the four states had the necessary resources to effectively implement the State party's obligations under the Convention; and what types of technical assistance the Government received from its various development partners.

9. She was gratified to learn of efforts to withdraw the State party's reservations to the Convention, two of which — to articles 2 (f) and 16 — were incompatible with the latter's object and purpose. She would appreciate further information on the status of those efforts, including whether a full withdrawal was envisaged and, if so, the estimated time frame for its completion. Given that neither the national Constitution nor any of the state constitutions contained a comprehensive definition of discrimination that was in line with article 1 of the Convention, she asked how that situation would be rectified; what kind of majority was required to amend the Constitution; and whether there was a stand-alone anti-discrimination or gender equality law in all four states that contained such a definition.

10. She wished to know what steps were being taken to coordinate the repeal of discriminatory legislation and to harmonize laws across all states in order to incorporate the Convention into domestic law; what measures had been taken to raise awareness of the Convention among state officials; and what measures had been taken to increase synergies between the different levels of government and provide the national Government with an overview of efforts by the states to implement the Convention, particularly with regard to the repeal of discriminatory laws. She requested clarification of the relationship between customary and statutory law in the event of a conflict between the two. She would be grateful for information on the number of cases in which such a conflict had arisen in the context of women's rights and gender equality; how the law had been applied; whether customary law had been used to override the formal protection of women's rights; and whether judicial personnel in all four states were receiving ongoing training on the Convention.

11. **Ms. Walter** (Federated States of Micronesia) said that the national Constitution had supremacy over state constitutions. A gender policy task force coordinated gender policy among the national and state governments and was currently disseminating information on the findings of the 2014 family health and safety study to all four states. The Speaker of the national Congress had introduced a resolution at the 2016 congressional session to withdraw all of the State's reservations to the Convention, but no follow-up action had been taken.

12. The country received technical assistance for policy development in the areas of gender equality and the rights of persons with disabilities. Discrimination was prohibited at both the national and state levels, with special emphasis on protecting the rights of women. Despite the importance accorded to culture in the Federated States of Micronesia, customary law did not take precedence over statutory law with regard to discrimination.

13. **Ms. Patten** said that, given the State party's complex constitutional structure and geographic configuration, it should consider adopting a four-year national action plan on the implementation of the Committee's concluding observations in order to coordinate implementation efforts among the four states. She wished to know whether the State party planned to ratify the remaining core United Nations human rights treaties, especially the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights. She requested additional information on women's access to justice, in particular on the location of the nation's courts of law and the use of mobile courts to facilitate access for women on remote islands. She drew attention to the Committee's general recommendation No. 33 on women's access to justice and asked whether the Government had developed a policy on public legal aid.

14. **Ms. Schulz** asked whether, in view of the many obstacles to women's access to justice, such as poverty and women's insufficient knowledge of their rights, there were plans to change the rule according to which free government-funded legal assistance from the Micronesian Legal Services Corporation was available to only one of the spouses in cases involving civil and domestic disputes. In addition, she wished to know whether the statement in paragraph 12 of the State party's replies to the list of issues (CEDAW/C/FSM/Q/1-3/Add.1) meant that certain articles of the Convention could not be directly invoked in court.

15. **Ms. Manalo** asked whether the provisions of the Convention had been given constitutional status through incorporation into the national Constitution, or whether they had the status of national statutory law and could be invoked only if they had been codified in implementing legislation.

16. **Ms. Jahan** said that she would appreciate updated information on the status of the law reform measures currently under way, including the "no-drop policy" whereby cases that were brought to court were pursued even after the customary pardon was given to the perpetrator. Although the State party was to be commended for having translated the Convention into all of its official languages, awareness of the Convention did not seem to have trickled down to the grass-roots level, and she asked what measures had been or were being taken to raise the profile of the Convention.

17. **Ms. Acar** said that, according to the Committee's general recommendation No. 19 on violence against women and its subsequent jurisprudence, as well as that of other international human rights experts, violence against women was a particularly abhorrent form of discrimination that kept women from enjoying their human rights. How did the Government explain the fact that the prohibition of discrimination was enshrined in the Constitution, yet there was no law on violence against women in the State party's national legislation?

18. **Mr. Bacalando** (Federated States of Micronesia) said that the national Constitution stipulated that any act of government that was in conflict with the Constitution was invalid to the extent of the conflict, which implied that states could not take any action that contravened the Constitution. The process of amending the Constitution required the consent of at least three of the four states, as well as a three-fourths majority of the votes cast on the amendment. Like most national constitutions, the Constitution of the Federated States of Micronesia was a statement of principles, which were subsequently refined in statutes, regulations and public laws. Customary practices could not prevail over civil law principles or contradict constitutional principles. The Supreme Court had determined that, while customary practices could not override criminal statutes, they could be taken into consideration for the purposes of sentencing. The delegation would provide the Committee with more complete written information on that issue in due course.

19. The Federated States of Micronesia had national, state and municipal courts. Litigants could obtain legal assistance from organizations such as the Micronesian Legal Services Corporation. If one spouse availed himself or herself of those services, the other spouse had to seek the services of a private or pro bono attorney. On the other hand, the Public Defender's Office provided assistance to defendants in criminal proceedings before the national or state courts, and a proposal had been made to expand its services to include civil litigation as well.

20. The statement in paragraph 12 of the State party's replies to the list of issues did not deny that the Convention was applicable in the Federated States of Micronesia. The rationale behind it was that, under the country's legal system, ratified treaties were not automatically transposed into national law; instead, the national law had to be brought progressively into line with the treaty. In cases where the national Congress had not yet adopted a law to implement a given treaty provision, that provision could not be directly invoked in court.

21. The fact that violence against women was a form of discrimination was, in effect, addressed by the constitutional provision that prohibited discrimination against any person, as part of the civil rights protection granted to all persons. The details of that provision were laid out in statutes and regulations at the national and state levels, and a comprehensive national law on civil rights protection prescribed criminal penalties for violations. He could not provide an estimate of the time frame for congressional approval of the resolution to withdraw reservations to the Convention, but such approval required the support of a simple majority of the 14 members of Congress.

22. **Ms. Jahan** said that the relationship between customary law and civil law just described by the delegation seemed to contradict provisions in both the national and state constitutions. She would therefore appreciate a more detailed explanation of that relationship.

23. **Mr. Bacalando** (Federated States of Micronesia) said that criminal law statutes enacted by Congress could not be overridden by cultural practices or traditions that supported the criminal conduct in question. Thus, customary law did not rise to a level that could undermine or contradict a statutory provision of law. However, where customary practice and tradition reinforced a law or regulation, they could be given effect.

24. **Ms. Bethel** said that the relationship between the two forms of law was still unclear. Perhaps the delegation could provide an example of a case in which customary law stood alone as the authoritative source of law, and an example of a case in which customary law was specifically overridden by civil law but was taken into account in the determination of the penalty.

25. **Ms. Acar** asked whether, in cases where the two sources of law were in conflict, a more lenient penalty was imposed for criminal acts that were endorsed by culture, custom or tradition.

26. **Ms. Manalo** said that, even though the Federated States of Micronesia had been a party to the Convention for 11 years, progress in implementing the Convention seemed to have been slow. She asked what could be done to increase the State party's political will to implement the Convention in more practical terms, beginning with the removal of all reservations to it, which, in effect, negated its potential benefits to women.

27. **Mr. Bacalando** (Federated States of Micronesia) said that a more lenient penalty did not automatically apply to criminal acts committed in keeping with cultural practices.

28. **Ms. Jahan** asked whether the State party was willing to learn from the experience and best practices of other small island countries in its region, especially with regard to the intersection between tradition, customary attitudes and gender equality. It was disconcerting that the State party did not have a dedicated national institution for the advancement of women, that the existing structure was composed of only one staff member and that only two states had gender machinery. That was an area that needed greater attention. With regard to the bill before Congress on the establishment of a cabinet portfolio for women, she asked whether the State party would be taking any proactive measures to sway public opinion in support of the bill so as to ensure not only its adoption but also the allocation of the necessary resources.

29. **Ms. Nwankwo** said that a bill put forward in 2012 and again in 2014, which would have reserved a small number of congressional seats for women for a period of six years, had failed to receive sufficient support, and no temporary special measures or other steps for advancing women's equality appeared to have been introduced in the State party. Those failures were indicative of public reluctance, a general lack of knowledge of such measures and a lack of widespread efforts to change the situation. Alternative sources had revealed

that the most prevalent barrier to women's participation in politics was the cultural stereotyping of women as not belonging in the political arena and a general tendency, even on the part of women themselves, to believe that leadership was a masculine trait. Cultural, traditional and church leaders were also said to be very influential in controlling the selection of candidates for political office, and they all favoured men. Such beliefs called for large-scale public education and sensitization regarding temporary special measures and the gains to be made by involving women in politics, decision-making and other sectors.

30. As the short duration of the measures proposed under the bill was likely to be insufficient for achieving the estimated critical mass of 40-per-cent representation of women in Congress, she asked whether the State party might consider extending the duration of those temporary special measures to at least 20 years. She wished to know whether the State party had taken any steps to raise awareness about temporary special measures, what kind of quotas were proposed in the bill and whether it prescribed sanctions for political parties that failed to comply with the quotas.

31. **Ms. Oliver** (Federated States of Micronesia) said that learning from the experiences and best practices of other countries was an excellent idea. She would welcome any technical assistance, especially for developing a national plan to follow up on the Committee's concluding observations. There were currently no plans to reintroduce the bill on a regular cabinet portfolio for women, as greater efforts were needed to raise awareness of its importance. The national machinery for gender issues was indeed understaffed and underresourced, as evidenced by the fact that she was the only Gender Development Officer in the Department of Health and Social Affairs; however, she did seek and receive assistance from a number of technical partners. For the next budget cycle, she had made some budget requests for awareness-raising activities, not just in relation to the Convention but also for the other treaties that came under her supervision. Any plans concerning temporary special measures had to be endorsed by the national executive in order to be introduced in Congress.

32. **Ms. Jahan** said that, even if there was not enough political will to reintroduce the bill on a cabinet portfolio for women, there appeared to be much civil society interest in doing so, which was important to bear in mind. Pending the establishment of a stand-alone, independent national institution, she wished to know what measures were being taken to upgrade the current structure through the allocation of human and financial resources under the general budget. She asked whether there were any plans to establish a national human rights institution in the near future and, if so, whether it would have a specific gender component, and whether a time frame had been set for the finalization of the national gender policy.

33. **Ms. Manalo** said that the national machinery for women's advancement, which was key to implementing the Convention, was weak. She asked whether the State party intended to give that machinery greater visibility instead of subsuming it under the Department of Health and Social Affairs. The support of the many non-governmental organizations (NGOs) that were active in the State party could be leveraged to increase the strength, visibility and resources of the national machinery. The State's sincerity about enabling women to enjoy their rights could be proved only by its willingness to implement the Convention.

34. **Ms. Schulz** said that, while she understood that data collection and disaggregation were problematic for small States, they were necessary for informing gender equality policies, which were key to the attainment of the Sustainable Development Goals. She asked whether the State party received any support in that regard from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) or other international agencies.

35. **Ms. Nwankwo** asked what was being done to raise public awareness of the importance of temporary special measures. She also asked whether the Government intended to extend the application of the temporary special measures that were currently in place, and whether any sanctions were imposed on political parties that did not apply those measures.

36. **Ms. Walter** (Federated States of Micronesia) said that although the national machinery for the advancement of women had been introduced some years previously, it still had only one staff member, the Gender Development Officer. Despite the machinery's shortage of financial and human resources, every effort was made to promote the Convention. Several women's NGOs were operational in the country, and women's conferences were held regularly. Data disaggregation by sex was challenging owing to the lack of resources. The Committee's recommendations in that regard would be transmitted to the national statistics office. Support was being sought from donor partners, such as the World Health Organization and the United Nations Population Fund, to assist in efforts to meet the Sustainable Development Goals, in particular the one on women and health. Temporary special measures had been under discussion in Congress for some time. It was difficult, however, to convince male politicians that women's participation was important and would have a significant impact on political and public life. Women's participation would be discussed at the next women's conference.

37. **Ms. Oliver** (Federated States of Micronesia) said that data collection and disaggregation were very important for monitoring progress. Data were available in all four states, and efforts were being made to develop a data streamlining and assessment mechanism at the federal level. The Committee's guidance on templates and systems used by other States parties would be welcome. With regard to education on the provisions of the Convention, her office's very limited budget restricted its activities considerably. Efforts were being made to incorporate women's advancement activities into the next budget cycle, with a view to running a large-scale educational campaign at the national level.

38. **Ms. Acar** said that while customs and traditions ensured that society remained connected to its roots, they could also perpetuate stereotypes and prejudices. Some of them therefore needed to be modified, or in some cases eliminated. The withdrawal of the State party's reservation to article 5 of the Convention was therefore particularly important. Traditions that created, promoted or strengthened discrimination against women through patriarchal stereotypes could be the root cause of gender-based violence against women. She wished to know whether there were any specific, targeted policies in place to bring such customs and traditions into line with international human rights standards. She also asked whether and when the age of consent would be increased from 13 to 18 nationwide. Given the difficulties women faced in reporting gender-based violence, were any awareness-raising campaigns being run to break the silence? She asked when all four states would be expected to have laws in place that addressed physical and sexual violence, and whether the Government was considering adopting a comprehensive federal law on gender-based violence against women.

39. The legal definitions of rape varied between the states, but tended to be based on the use of physical force rather than the absence of consent. Marital rape was not criminalized or even classified as an offence in any of the states; she asked whether the State party intended to rectify that deficiency. With regard to data collection, she wished to know whether the data collected at the state level were disaggregated by gender, type of crime and relationship between the perpetrator and the victim, in line with the Committee's recommendations. Lastly, she sought clarification of the number of shelters for women victims of violence, how they were financed, who ran them and how the staff were trained. She also wished to know whether the professionals who referred women to those shelters were trained in dealing with victims of violence.

40. **Ms. Walter** (Federated States of Micronesia) said that the country's culture and traditions did not promote gender violence. The family health and safety study conducted in 2014 had brought to light significant issues of gender stereotyping. Measures were being taken to educate the public, with cooperation from women's NGOs and with support from other countries. Public demonstrations were held to spread the message of women's rights, and legal services were conducting outreach to remote communities to raise awareness of the availability of free legal services. Thus far, legislation on domestic violence had been passed by Kosrae State, and remained under discussion in the other three states. The definition of marital rape, which differed between the four states, required harmonization. Most shelters for victims of violence were managed by non-governmental or religious organizations. Funding was difficult to obtain. Staff training in counselling and emotional

support was needed; staff in some shelters, in particular those working with children, had encountered difficulties for which they had not been adequately prepared.

41. **Mr. Bacalando** (Federated States of Micronesia) said that the definitions of sexual offences, in particular rape, differed between the four states. In 2012, federal legislation on trafficking in persons had been passed by Congress and was applicable in all four states. Consideration could be given to a similar approach for legislation on domestic and sexual violence. The devolved system of governance, however, required that specific measures should be taken to bring particular issues under the remit of the federal Government.

42. **Ms. Manalo** said that the Committee had great respect for culture and traditions and understood that the Polynesian States had always had a heritage of peace, non-violence and harmony. There were, however, many factors at play that could encourage violence against women in the State party. She wished to know how the Government ensured their protection and planned to minimize, if not eradicate, violence against women.

43. **Ms. Oliver** (Federated States of Micronesia) said that joint efforts were being made with NGOs to run a violence awareness campaign. Until the 2014 study, there had been little awareness of the prevalence of gender-based violence against women. The issue must therefore be recognized and public awareness must be raised. Data on violence were not disaggregated by the criteria recommended by the Committee.

44. **Mr. Bacalando** (Federated States of Micronesia) said that in order to raise the age of consent, discussions needed to be held between the national and state authorities. Those discussions were ongoing; efforts would be required to ensure that the momentum was maintained and that steps would be taken to bring the law into line with the provisions of the Convention.

45. **Ms. Gabr** asked what was being done to prevent trafficking and exploitation of prostitution. She requested information about the measures taken to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and national legislation on the criminalization of exploitation for sex tourism. She wished to know whether any studies had been conducted on the root causes and magnitude of trafficking in persons in the State party and whether law enforcement officers and the judiciary were trained to deal with trafficking cases. She also asked whether the State party had a plan of action on trafficking and said that if so, information on the plan would be appreciated. Was there a plan to establish shelters for victims of trafficking, and were there any mechanisms in place to refer trafficking victims to support and witness protection services? She wondered whether any measures were foreseen to reduce the demand for prostitution. Since the act of engaging in prostitution was not addressed explicitly in law, and the penalties and legal provisions on solicitation differed between the states, she asked whether the federal Government intended to harmonize legislation and what measures it envisaged to prevent the exploitation of women through sex tourism. Were any alternative employment options provided for women who wished to leave prostitution?

46. **Mr. Bacalando** (Federated States of Micronesia) said that since the enactment of the Trafficking in Persons Act, the Federated States of Micronesia had been removed from the Tier 2 watch list for trafficking in persons that was maintained by the Department of State of the United States of America. Several trafficking convictions had been handed down and victims had been rescued. A case had recently been filed against a foreign citizen who had visited the country and had been suspected of involvement in prostitution. Efforts to counter, prevent and eliminate trafficking in persons would continue. Financial challenges impeded witness protection, particularly when witnesses needed to be transported from one state to another while waiting to testify. A more substantial, lasting solution was needed. Training for law enforcement officers was ongoing; they were briefed on anti-trafficking measures and trained to work with victims. Every effort was being made to minimize the number of violations committed by law enforcement officers and to prepare them adequately to handle trafficking cases.

47. **Ms. Gabr** said she hoped that despite limited resources, shelters would be adequately equipped to provide physical, psychological and material support for witnesses.

She asked whether any joint efforts to address trafficking were under way with international partners, such as the United Nations and the International Organization for Migration.

48. **Ms. Manalo** said she had noted that the country's economy was often severely affected by natural disasters, which could destroy livelihoods and render those affected vulnerable to trafficking and exploitation. Women in such circumstances were often taken in by traffickers and forced into prostitution. She asked what was being done to protect women under such circumstances.

49. **Ms. Oliver** (Federated States of Micronesia) said that a copy of the national plan of action on trafficking could be provided to the Committee.

Articles 7 to 9

50. **Ms. Nwankwo** said that although the State party did not place legal restrictions on women's participation in politics and in the work of international organizations, including in high-level positions, there were no women members of Congress in the Federated States of Micronesia. Cultural norms and stereotypes hindered women's participation in politics and perpetuated the idea that women in government should be subservient to their male counterparts. She wished to know what mechanisms were envisaged to enhance women's participation in decision-making bodies and whether any specific steps were being taken to enable women with disabilities to provide input on issues that affected them and to participate in political and public life. She asked whether there were any mechanisms in place to promote the nomination of women as candidates for positions in intergovernmental bodies and whether there were any measures in place to prepare women for recruitment at the international level.

51. **Mr. Bacalando** (Federated States of Micronesia) said that measures to increase women's political participation would require considerable coordination and discussion between the federal and state governments. With regard to awareness-raising, campaigns had been run in villages but more commitment was required, and support from NGOs and international partners would be essential. Although there was no discrimination under the law, inhibition prevented women from participating in politics. The situation was beginning to change, however, and two female candidates would run for Congress in the forthcoming elections. As the country had ratified the Convention on the Rights of Persons with Disabilities, legislative changes would be made at the national and state levels to ensure conformity with the Convention. The implementation of that Convention would have financial implications. Mechanisms for the representation of persons with disabilities in government and decision-making would be considered in the context of that Convention.

52. **Ms. Nwankwo** said that, as women tended not to stand for election owing to the cultural and historical understanding of their traditional role in society, she wished to know what measures were being taken to empower them to overcome cultural barriers and to prepare them to participate in political processes.

53. **Ms. Chigiyal** (Federated States of Micronesia) said that the Government had partnered with United Nations agencies to train women in the skills required in order to run for office. That issue had also been taken up at the national women's conferences. With regard to the nomination of women candidates for positions in the governing bodies of international organizations, funds for such activities were lacking, and the support of the whole Government was required.

54. **Ms. Gbedemah** said that women's apparent reluctance to enter careers in public office was pervasive. Women faced many social and economic obstacles in that regard, including household responsibilities and psychological barriers, and the fact that political systems had traditionally been inaccessible to women. Thus, even though the law was gender-neutral with regard to political participation, de facto barriers to women's participation remained.

55. **Ms. Song** asked whether measures were being taken to reach the 30-per-cent target for women in decision-making positions. Were those women who had already attained such positions able to mainstream a gender perspective in their work? What was being done to

engage men in gender issues and encourage them to take a gender-sensitive approach to their work and promote women's rights?

56. **Ms. Jahan** said that the Committee had been informed that women in the State party were not encouraged to enter politics and stand for election. She wondered whether the Government had considered measures to require political parties to nominate more female candidates.

57. **Ms. Walter** (Federated States of Micronesia) said that support had been received from UN-Women on how to promote women's political participation, how to campaign and how to assess the best means of exerting political influence with constituencies. Progress was slow, however, and obtaining 30-per-cent representation remained a challenge. Efforts were being made to invite men to participate in the women's conferences and to engage them in promoting women's political participation. Socioeconomic issues made progress difficult to achieve; the demands of politics meant that women, especially those with children, could be precluded from participation owing to their duties as caregivers.

Articles 10 to 14

58. **Ms. Haidar** said that while there was no legal impediment to equal access to education in the State party, and elementary education was provided free of charge, students were unable to attend school in some states owing to a dearth of places or staff. She wished to know how students were selected for deferred entry and whether any measures were being taken to bridge the gap in staffing and school places. Private schools expelled girl students who became pregnant. While expulsion was not practised in public schools, teenage pregnancy and dropout rates were high. She asked what measures were being taken to provide comprehensive sexual and reproductive health education, rather than simply promoting abstinence, and whether any steps were being taken to encourage girls to return to school after giving birth. She wished to know how the needs of children requiring special education were being met and what was being done to encourage families to enrol girl children with disabilities in school and prevent the stigmatization of such children.

59. **Ms. Walter** (Federated States of Micronesia) said that the Department of Education had a programme to allocate funding for the education of persons with disabilities, including through outreach to children who were unable to attend school. While private schools had a tendency to expel pregnant girls, many such schools received government funding, which could be leveraged to prevent expulsions. With regard to sexuality education, programmes were in place to promote abstinence. Secondary education was compulsory, and girls who became pregnant were entitled to return to school after they had given birth.

60. **Mr. Bacalando** (Federated States of Micronesia) said that the Government subsidized private schools, which were therefore required to uphold national policies and priorities, one of which was to prevent discrimination against pregnant girls.

61. **Ms. Haidar** said that the focus on abstinence had not resulted in a reduction in teenage pregnancy. Broader education on sexual and reproductive health was therefore required. The State party was encouraged to address the issue of sexuality education more comprehensively.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1489th meeting
Held at the Palais des Nations, Geneva, on Friday, 24 February 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial to third periodic reports of the Federated States of Micronesia (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial to third periodic reports of the Federated States of Micronesia (*continued*) (CEDAW/C/FSM/1-3; CEDAW/C/FSM/Q/1-3 and Add.1)

1. *At the invitation of the Chair, the delegation of the Federated States of Micronesia took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Walter** (Federated States of Micronesia) said, with regard to education, that some children in Kosrae had experienced a one-year delay in starting school owing to infrastructure and staffing limitations. She was happy to report, however, that responsibility for school and health infrastructure was now in the hands of the states, which received funding for health and education under the Compact of Free Association with the United States of America. Schools must be accredited and teachers must be certified. Hence, the education-related problems that had existed in Kosrae had been resolved. With regard to efforts to reduce high teenage pregnancy rates, the Department of Health and Social Affairs had specific programmes in communities and schools that organized discussions with students and parents on reproductive health and family planning issues.

3. **Ms. Verges** said that the State party's assurances regarding the withdrawal of its reservations to the Convention were evidence of its commitment to meet its obligations. While the Constitution and the National Government Public Service System Act prohibited discrimination against women, it appeared that those laws were not being adequately enforced. Moreover, while the State of Pohnpei had a law against sexual harassment, there was no nationwide law applicable to all four states. Maternity leave was not yet guaranteed in Kosrae, and only Pohnpei had legislation on equal pay for work of equal value. In that connection, she wished to remind the State party that its obligations under the Convention should be respected in all states.

4. She would like to know what measures were in place to protect women domestic workers, what steps were being taken to improve the employability of women and to combat stereotypes in that regard, and what was being done to reduce the high rates of unemployment in Chuuk and Kosrae. She would also appreciate updated statistics on employment and unemployment, as the figures in the State party's report (CEDAW/C/FSM/1-3) dated back to 2010. She was pleased to note from those figures that the differences in employment levels between men and women were minimal, and she commended the attention accorded to persons with disabilities in the State party's national employment policy.

5. **Ms. Walter** (Federated States of Micronesia) said that both the national and the state Constitutions prohibited discrimination against women in employment, as did the Public Service System Act. Any woman who felt she had been the victim of discrimination could file a complaint. Only the national Government had enacted a law on paid maternity leave, but national authorities were working with state authorities to ensure the passage of similar legislation at the state level. Unemployment was indeed very high in some parts of the country. The Government was working through the education and other sectors to highlight income-generating activities, such as agriculture, that represented alternatives to salaried employment. It was also promoting higher levels of education for women in order to enhance their employment opportunities. A programme in the education sector sought to assist persons with disabilities in finding jobs in the private sector. She was unable to provide updated statistics on unemployment. Data collection was a major challenge for the Government, but it would strive to improve its capacity in that regard before the time came to submit its next periodic report.

6. **Ms. Rana** said that her country's experience had shown that affirmative policies were needed to create an environment conducive to women's career advancement and to more equitable sharing of domestic chores between men and women. Did the State party

have, or did it plan to introduce, any affirmative action plans or policies to increase women's access to employment and senior positions?

7. **Ms. Jahan** said that she would welcome an update on the status of the workplace sexual harassment bill mentioned in the State party's replies to the list of issues (CEDAW/C/FSM/Q/1-3/Add.1, para. 39). As the State party had taken significant steps towards ensuring that women in all states had access to paid maternity leave, it should soon be in a position to withdraw its reservation to article 11 (2) (b) of the Convention.

8. **Ms. Walter** (Federated States of Micronesia) said that measures conducive to the employment of women included the maternity leave law passed by the national Government, which had set a good example for the states. With regard to sexual harassment, women were able to file complaints in court under laws currently on the books. The matter was a sensitive one, but an increasing number of women were coming forward to assert their rights when they felt they had been victims of discrimination or unfair treatment.

9. **Ms. Manalo** said that it was her understanding that the State party's data on maternal mortality were incomplete, as many maternal deaths were not reported, especially when women gave birth at home. Moreover, the case definition of maternal death seemed to be restricted to direct maternal deaths; it did not take account of pregnant women who died from indirect causes such as tuberculosis. She would like to know whether the State party had a strategic plan to reduce maternal mortality and morbidity; if not, she would strongly suggest that such a plan should be drawn up. The State party did not seem to have a sexual and reproductive health policy that would help raise awareness of the importance of family planning, increase access to contraceptives and ensure that all women had access to reproductive health services without discrimination. She wished to know how the State party intended to make sexual and reproductive health services, including antenatal, delivery and postnatal care, available to all women, including those who lived on the outer islands.

10. She understood that abortion was illegal in the State party, except where it was deemed necessary to save the life of the mother. There were no safe and legal abortion facilities to serve women who wished to terminate a pregnancy because, for example, it was the result of rape. She was particularly concerned about illegal abortions among adolescents, which doubtless contributed to the high rates of maternal mortality in that age group. She wondered what steps were being taken to prevent unsafe abortion and whether there were any plans to legalize the procedure.

11. **Ms. Walter** (Federated States of Micronesia) said that the Department of Health and Social Affairs was working to establish more clinics in remote places in order to ensure access to antenatal care and other reproductive health services. On remote islands, especially in Chuuk and Yap, it was setting up telecommunications links with hospitals on the larger islands so that local health-care practitioners could consult medical experts when needed. The Department had programmes for young mothers, which distributed contraceptives in high schools and colleges. Unfortunately, the Government had been informed in early 2017 that the assistance it had been receiving from donor partners for that purpose would no longer be available, but it would nevertheless continue its efforts to extend reproductive health services to women on the outer islands.

12. Any maternal death, whether due to abortion or another cause, would be known to the public in the community where it occurred and a death certificate would be drawn up. It was true that abortion was allowed only in life-or-death situations. Abortion among young women was rare. Children were highly valued, and young mothers knew that if they were unable to care for their children, their extended families would do so. Families also frequently helped with childcare so that young mothers could return to school.

13. **Ms. Manalo** said that the current situation in the State party did not allow women to fully enjoy the health-related rights to which they were entitled under the Convention. She wished to know what actions the State party intended to take to change that situation.

14. **Ms. Walter** (Federated States of Micronesia) said that the Government was working hard to establish reliable clinics so that women in remote locations would have easy access to health care, which had not been the case in the past. It was also using technology to

enable health facilities on remote islands to communicate with hospitals on the main islands in the event of an emergency. The national Government also worked with state authorities to assist them in providing services in remote places.

15. **Ms. Arocha Domínguez** said that it was understandable that a small State consisting of many islands would face difficulties in implementing policies and plans to advance the rights of women. Nonetheless, it had a responsibility as a State party to uphold the rights enshrined in the Convention. It appeared that women in the State party were active participants in the labour force, but the Committee lacked data to enable it to assess the extent to which women might be at a disadvantage with respect to men in relation to employment. She wished to know whether women had access to bank loans on an equal footing with men, not just from a legal standpoint but in actual practice. For example, did women have more trouble than men in providing the collateral needed to obtain a loan? She would welcome information on the number and amounts of bank loans extended to women in the recent past. She would also be interested in hearing more about the Women in Business Network mentioned in the State party's report. In particular, had there been any assessment of the Network's impact? If so, how many women had benefited? Was the Network still operating?

16. She would like to know whether there were any special credit facilities or other forms of assistance for specific groups of women such as women heads of household, older women who lived alone, women with disabilities or women who cared for persons with disabilities. She would also like information about women's participation in sports in the State party. In particular, she wondered whether there were any women who were high-performance athletes and, if so, how their situation compared with that of their male counterparts. Lastly, she asked whether any studies had been conducted to measure the time spent by women and by men performing domestic tasks.

17. **Ms. Walter** (Federated States of Micronesia) said that commercial loans were available from only two banks and that the Banking Board oversaw lending practices. Banks required collateral from anyone applying for a loan. Women who were qualified could receive loans to start businesses. Through the Women in Business Network, some women had participated in training events in other South Pacific countries and had then returned to establish successful businesses. She did not have data on assistance provided to women with disabilities. There was no gender disparity in sports. In response to the rising incidence of non-communicable diseases in the region, the Government was promoting participation in sports as a means of improving the health of young people of both sexes.

18. **Ms. Arocha Domínguez** said that the State party should develop its capacity to collect data, not only for the Committee's purposes but also for the State's own planning and priority-setting. It might wish to seek assistance from its international donor partners for that purpose.

19. **Ms. Jahan**, noting that 20 per cent of households in the State party were headed by women, asked whether any studies had been carried out to ascertain why the proportion was so large. Was it because of outmigration by men? She would like to know what protection or social safety net was available to older women, especially those in rural settings. She understood that there was a family-based social welfare system in the State party, but with the gradual erosion of family structure older women might be left on their own.

20. **Ms. Walter** (Federated States of Micronesia) said that she did not have data on households headed by women, but she could confirm that there was considerable outmigration to Hawaii and Guam for purposes of education or employment. However, many of those who migrated sent remittances back to help their families.

21. Data were being collected at the state level, but there was not a good system in place to compile the information at the national level. However, the Government was well aware of the importance of data collection for identifying advances and deficiencies.

22. **Ms. Jahan** said that the Committee was aware that the majority of women in the State party lived in rural areas and outlying islands, which created major challenges for the delivery of health care and other services. Educational opportunities for girls were limited because they were expected to perform domestic chores. Moreover, rural women were

subject to multiple forms of discrimination, including gender-based violence. She wondered whether the National Strategic Development Plan called for any specific action to address the structural problems and inherent challenges facing rural women and women living on outlying islands. Could the delegation provide an update on the efforts to extend Internet access to residents of the outer islands? Did those efforts incorporate a gender perspective?

23. It would be useful to know whether the State party had taken any special legislative measures to ameliorate the situation of rural women and women on the outer islands and to promote their substantive equality. In particular, she asked what steps had been taken or were envisaged in the framework of the Sustainable Development Goals to implement gender-sensitive agricultural and rural development policies and promote rural women's full equality in access to education, health care, credit, social protection and other areas, including through the adoption of temporary special measures. She would also welcome information on what was being done to promote rural women's political empowerment and increased participation in local decision-making bodies.

24. The State party's report indicated that justice in rural areas consisted mainly of customary reconciliation processes. However, experience had shown that such processes were often disadvantageous to women. The report also indicated that most offenders walked the streets freely, owing to the limited capacity of law enforcement. What was being done to rectify that situation of impunity?

25. She commended the State party on its ratification of the Convention on the Rights of Persons with Disabilities and encouraged it to incorporate a gender perspective into any legislation that it enacted to implement that Convention. In that connection, she would appreciate an update on the status of the National Disability Policy 2009-2016.

26. **Ms. Haidar** said that the State party was to be commended for being one of the first Pacific island nations to adopt a policy on disaster risk management and climate change. She wished to know whether the policy had an explicit gender component and whether women, especially those in rural areas and on outlying islands, had participated in its development. The disproportionate impact of disasters and climate change on women and girls could exacerbate existing gender inequalities. Did the policy take that into account? Did it also take into account the specific needs of highly vulnerable populations, such as the elderly and persons with disabilities, not just with regard to disaster response but also mitigation? She would be interested to know to what extent the policy built on the coping mechanisms and traditional knowledge of local communities and would appreciate an update on what action had been taken since the policy's adoption in 2013. In particular, she would welcome information on any best practices that had been identified.

27. **Ms. Walter** (Federated States of Micronesia) said that rural women could seek redress in the municipal court system if they were victims of violence or discrimination. Legal services were available to citizens at no cost. Outreach activities were conducted to inform people in remote areas of their right to seek such assistance. Women, including those from remote areas, came together regularly at the state level to discuss areas in which they felt they were not receiving equal treatment.

28. The Government was doing its best to establish and improve community health services in remote places. It had made significant headway in Kosrae, Pohnpei and Yap. The situation in Chuuk was more difficult because the islands were spread over a wide area and the seas were often rough. Nevertheless, establishing remote clinics in Chuuk was a priority for 2017. Progress had been made in extending communications technology to remote places, but more remained to be done, especially in Chuuk. The Government's goal was to make such technology available on all the outermost islands. The head of the national government unit responsible for overseeing the implementation of the policy on climate change was a woman, and women were encouraged to take part in the national dialogues on the issue.

29. **Ms. Oliver** (Federated States of Micronesia) said that the period covered by the National Disability Policy had ended in 2016. The Government had just begun to formulate an updated disability policy to replace it. The new policy would indeed incorporate a gender perspective. Women, including those in rural and remote areas, were encouraged to participate in workshops on climate change, and many had done so.

Articles 15 and 16

30. **Ms. Schulz** said that, while the State party's legislation ensured equality before the law, implementation remained an issue, as traditional practices continued to give greater power to men than to women. Withdrawing the blanket reservation to article 16 of the Convention would mark an important step forward for the State party. The information contained in paragraphs 219 to 234 of the State party's report highlighted the need to address various forms of discrimination. She would be interested to know the Government's position on the unification of the age of marriage in all four states at 18 for both women and men, and the compulsory registration of marriage, without exemptions. She also wished to know more about the effect of customary marriage on women's rights, and whether customary marriage contracts superseded statutory law; for instance, was bigamy permitted under such contracts, even though it was criminalized under the Pohnpei law?

31. She asked how the Government planned to address the inequalities between spouses in the ownership, acquisition, management, enjoyment and disposition of property, including land. Noting that, according to the State party's report, the whole community was responsible for the care of women, children and all members of the family following a divorce, she asked whether priority was given to the cultural obligation or the legal obligation to provide maintenance. Were there any plans to develop guidance to help judges properly assess the situation, including the respective earning capacities of both spouses, the commitments and needs of the parties and a calculation of women's non-financial contributions? Given that the grounds for divorce provided for under current legislation could have discriminatory effects, with women often finding it difficult to prove fault on the husband's part, she wondered whether there were any plans to introduce divorce by mutual agreement. She would welcome assurances that the system of pardon was not used to cover up the violation of women's rights, particularly in cases of domestic violence. For example, if a woman was obliged to remain in the marital home with a violent husband due to poverty, how could she prove that she had not pardoned him? Were judges sensitized to the need to avoid systematically pushing for reconciliation, since that could reduce women's autonomy to leave a relationship?

32. Expressing concern that in Yap and Kosrae inheritance and interstate succession were determined by custom and that the matrilineal system under which land rights were acquired thus did not protect women because it was not enshrined in law, she asked how the rights of women were ensured in that domain. While the Committee understood the complexity of the federal system, it was important to recognize the need for some issues to be transferred from the state to the federal level and for others to remain the responsibility of the states, but with mechanisms to ensure the protection of fundamental rights in all parts of the country.

33. **Ms. Walter** (Federated States of Micronesia) said that the national and state Constitutions strongly reinforced civil rights.

34. **Mr. Bacalando** (Federated States of Micronesia) said that, although domestic and family matters fell under the jurisdiction of the states, the national Government still had the obligation to ensure that the states complied with certain standards which the country had undertaken to uphold, including the Convention. The minimum marriage age was established in state legislation; the dialogue with the states would be pursued in order to make progress in standardizing the age requirement across all state laws. In order for a marriage to be registered by the civil authorities, the couple must first apply for a marriage licence. However, traditional marriages in the communities might not be captured by statistics because they were not required to be registered. Although that could theoretically give rise to the risk of bigamy or child marriage, in practice, because the population was so small and people knew each other, the communal view that child marriage was unacceptable and should not be tolerated created an environment that discouraged such marriages even though they would not necessarily be known to the authorities.

35. The states had a very important role to play in shaping the rules that would govern the distribution of property following divorce, as there was currently no national legislation on the matter. There was certainly room for improvement in that area. With regard to

pardons in cases of gender-based violence, the Attorney-General's Office had adopted a policy whereby cases involving violent crimes were pursued if there was sufficient evidence to support a prosecution, even if the offender had been pardoned by the victim, for example through a customary settlement. With regard to measures to ensure the protection of women's rights, public awareness was key. With the introduction of modern technologies and greater exposure to foreign cultures, the population was gaining a growing understanding of individual rights and women's rights. The national Government, in cooperation with NGOs and legal services, was conducting awareness-raising campaigns to educate the public, including in the outer islands. Those efforts would be pursued, although the Government was, of course, aware that that was not the whole solution to the problem.

36. **Ms. Schulz** said that while it was important that people should know their rights, non-discriminatory laws must also be in place to ensure that those rights were respected.

37. **Mr. Bacalando** (Federated States of Micronesia) said that there were no legislative provisions on the division of marital property or the payment of child maintenance following divorce; such matters were determined by a judge based on principles established by case law in each of the four states. That case law reflected the views of the community as to what support and property division arrangements were acceptable, and it was not unusual for the case law of one state to differ from that of another. Although recourse to reconciliation could, in theory, give rise to the risk that women might be forced to stay in a relationship, such matters were decided on by judges with extensive experience of state law, exercising a degree of discretion and taking into account the best interests of the divorcing spouses and the children. Any judge who discovered that an apparent reconciliation was in fact the result of some form of deceit or a power imbalance would have to take steps to address the issue. Although there might be room for improvement, that system had worked well in the past.

38. **Ms. Manalo** said that she was concerned at the tendency to maintain the status quo and to accept the idea that if a judge had always ruled in a particular way, that was how it would remain. What role did the Convention play in such a system? How could a judge inject the principles of the Convention into the process of interpreting the law? Could case law that was not in line with the Convention be disregarded? With regard to the country's climate change strategy, she stressed the importance of incorporating a human rights-based approach and equality provisions it spired by the Convention.

39. **Ms. Walter** (Federated States of Micronesia) said that the State party took such issues very seriously. Although there might appear to be a tendency to follow the same patterns as in the past, real efforts were being made to develop a way forward and address gender issues under the Convention. Further information would be provided in writing.

40. **Ms. Chigiyal** (Federated States of Micronesia) thanked the Committee for the spirit in which it had conducted the review and for its constructive comments and recommendations. Although there might be an impression of stagnancy, much was being done to advance the interests of women in the country. Efforts had focused particularly on women's participation in decision-making, but would be expanded to other areas. Data collection was a weakness, but the value of statistics for the development of sound policies was clear, and steps would be taken to advance in that area.

41. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.40 p.m.